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HON. F. W. HOWAY



# BRITISH COLUMBIA

FROM THE  
EARLIEST TIMES TO THE  
PRESENT

By F. W. HOWAY

JUDGE OF COUNTY COURT OF WESTMINSTER, PRESIDENT OF ART,  
HISTORICAL AND SCIENTIFIC SOCIETY

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# CONTENTS

## PART I

### CHAPTER I

PAGE

FIRST NEWS OF GOLD—QUEEN CHARLOTTE ISLANDS EXCITEMENT

1

### CHAPTER II

GOVERNOR DOUGLAS AND THE MINERS—THE INDIAN TROUBLES, 1858—EARLY MINING

25

### CHAPTER III

LAYING THE FOUNDATIONS

43

### CHAPTER IV

THE ROYAL ENGINEERS

Officers—Non-Commissioned Officers and Sappers—The Rise and Fall of Derby—The “Ned McGowan War”—The Selection of the First Capital 55

### CHAPTER V

THE ADVANCE OF CARIBOO

The Discovery of Keithley and Antler Creeks—Williams, Lightning, and Lowhee Creeks—The Deep Diggings of Cariboo—Peace River, Stickeen Territories, and Shuswap ..... 69

### CHAPTER VI

THE ROADS AND TRAILS TO CARIBOO

Road Building—Mule Teams and Camels—How the Cariboo Road Was Built 87

### CHAPTER VII

THE DISBANDING OF THE ROYAL ENGINEERS

The Golden Cariboo, 1863-5—Female Immigration—Cariboo at Its Best.... 109



# PART II

## CHAPTER VIII

	PAGE
THE EXPRESS	
The Gold Escorts of 1861 and 1863—The Overland Parties, 1862-3—The Mint—Finances During Douglas's Management.....	127

## CHAPTER IX

A SKETCH OF VANCOUVER ISLAND EVENTS FROM 1858 TO 1864—LIST OF OFFICERS OF BOTH COLONIES	149
---	-----

## CHAPTER X

THE LEGISLATIVE COUNCIL AND SEPARATE GOVERNORS	
The Closing Days of Governor Douglas's Regime.....	161

## CHAPTER XI

THE BUTE INLET MASSACRE AND THE CHILCOTIN WAR, 1864-1866	
A Sketch of the Legislation, 1864 to 1866—The Overland Telegraph Scheme	177

## CHAPTER XII

GOVERNOR KENNEDY AND HIS TROUBLES	
.....	203

## CHAPTER XIII

THE UNION OF BRITISH COLUMBIA AND VANCOUVER ISLAND, 1866	
.....	215

## CHAPTER XIV

THE KOOTENAY AND THE BIG BEND EXCITEMENTS, 1864-1866	
.....	231

## CHAPTER XV

SKETCH OF LEGISLATIVE COUNCIL AND LEGISLATION, 1866-1870	
.....	245

## CHAPTER XVI

MINING GENERALLY FROM 1866 INCLUDING OMINECA AND CASSIAR	
.....	257

## CHAPTER XVII

CONFEDERATION	
.....	277

## CHAPTER XVIII

THE SAN JUAN DIFFICULTY	
.....	299

# PART III

## CHAPTER XIX

	PAGE
POLITICS AND GENERAL EVENTS, 1871 TO 1875	327

## CHAPTER XX

THE RAILWAY DIFFICULTY OF THE CARNARVON TERMS	341
---	-----

## CHAPTER XXI

RAILWAY MATTERS FROM THE CARNARVON TERMS TO LORD DUFFERIN'S VISIT	369
---	-----

## CHAPTER XXII

THE ELLIOTT GOVERNMENT—THE WALKEM GOVERNMENT—THE SECESSION RESOLUTION, 1878, AND THE CANADIAN PACIFIC RAILWAY CONSTRUCTION	385
--	-----

## CHAPTER XXIII

THE GRAVING DOCK—THE LAST DAYS OF WALKEM GOVERNMENT—BEAVEN GOVERNMENT—FIRST YEARS OF SMITHE GOVERNMENT	401
--	-----

## CHAPTER XXIV

THE CANADIAN PACIFIC RAILWAY AND HOW IT WAS BUILT	417
---	-----

## CHAPTER XXV

THE EXTENSION OF THE C. P. R. TO VANCOUVER	431
--	-----

## CHAPTER XXVI

POLITICS AND GENERAL EVENTS FROM 1883 TO 1892	
Smithe Government (Continued)—A. E. B. Davie Government, 1887-1889—Robson Government, 1889-1892	441

## CHAPTER XXVII

THE SEALING INDUSTRY AND THE FUR SEAL ARBITRATION	459
---	-----

## CHAPTER XXVIII

THE KOOTENAY MINES—NELSON—SLOCAN—GRANBY—HYDRAULIC IN CARIBOO—THE RAILWAY DEVELOPMENT IN KOOTENAY	467
--	-----

## CHAPTER XXIX

THE THEODORE DAVIE, TURNER, SEMLIN, MARTIN, AND DUNSMUIR GOVERNMENTS—ATLIN	489
--	-----



# PART IV

## CHAPTER XXX

	PAGE
THE PACIFIC CABLE—THE PRIOR GOVERNMENT—THE M'BRIDE GOVERNMENT— "BETTER TERMS"—GENERAL EVENTS, 1902-1913 .....	519

## CHAPTER XXXI

THE ALASKA BOUNDARY DISPUTE .....	551
--------------------------------------	-----

## CHAPTER XXXII

CHINESE AND JAPANESE IMMIGRATION .....	567
---	-----

## CHAPTER XXXIII

THE CROW'S NEST PASS AND NICOLA COAL FIELDS—SALMON CANNING INDUSTRY .....	579
--	-----

## CHAPTER XXXIV

THE BEGINNINGS OF VARIOUS AGRICULTURAL SECTIONS ON THE MAINLAND The Okanagan District and Kamloops—Peachland and Summerland—Kam- loops—The Delta of the Fraser.....	589
---	-----

## CHAPTER XXXV

MISSIONS AND MISSIONARIES .....	605
------------------------------------	-----

## CHAPTER XXXVI

EARLY MISSIONS AND MISSIONARIES (Continued) .....	637
--	-----

## CHAPTER XXXVII

BENCH AND BAR .....	653
------------------------	-----

## APPENDIX

CONTAINING PROOFS AND ILLUSTRATIONS .....	687
--	-----

## INDEX

.....	721
-------	-----

# ILLUSTRATIONS

	PAGE
His Honour Frederick William Howay.....	<i>Frontispiece</i>
Map of British Columbia.....	1
Steamship "Beaver".....	9
Overland Teams .....	15
Steamships "Republic," "Orizaba," "Brother Jonathan," "Otter".....	17
Esquimalt Town, About 1867.....	23
Early Views of the Big Canyon on the Fraser.....	27
Town of Lillooet, 1903.....	31
Adobe House, Lillooet; Sexton River, Fraser River, and 70-Mile House, Cariboo.....	33
Fort Langley Today; Site of "Kootenae House" and Site of Third Fort at Kamloops.....	53
Map, Southwestern Districts of British Columbia.....	55
Emigrant Soldier's Gazette.....	59
Early View of Yale.....	63
Steamers "Beaver," "Colonel Moody," "Enterprise".....	65
New Westminster About 1864.....	66
Government House and Early View of Columbia Street, New Westminster.....	67
Map, Willow River and Slough Creek, Cariboo.....	69
Lytton, The Forks.....	71
Quesnel, Mouth of Quesnel River.....	73
Rawhide, Gold Drop, and Snowshoe Mines, Phoenix.....	75
Cameron, Tinker, and Watte Claims, Williams Creek; Tilton Creek, Cariboo Road; Old View of Blacksmith Shop, Yale.....	77
"A Farmstead in British Columbia"; "To the Diggings and From the Diggings".....	81
"Cariboo" Cameron .....	83
Coal Measures in Canyon on Peace River.....	84
Peace River Coal Field on Johnson Creek.....	85
A Stretch of the Cariboo Road.....	87
Mountain Roads; Gaol at Douglas; the Start From Lillooet; Drawing Out Tree Stumps With Cattle.....	88
Route Over Fallen Trees; Huts and Stores at Antler's Creek; Crossing a River on a Felled Tree; House at Douglas.....	89
Views Along the Cariboo Road.....	91
Reconnaissance Sketch of Part of Cariboo by Lieutenant H. S. Palmer.....	93
Views Along the Cariboo Road.....	95
Yale in Construction Days.....	97
Alexandra Bridge in the Great Flood of 1894, Fraser River.....	99
Ox Team at Clinton Hotel with Freight for the Cariboo, in the Sixties.....	101



	PAGE
Spence's Bridge; Suspension Bridge.....	103
Roadside House, Soda Creek; Bonaparte House, Semlen and Parke.....	105
83-Mile House, 100-Mile House, 108-Mile House, 164-Mile House.....	107
Dodger, Advertising Route to Cariboo.....	108
Veith's Ranch, Keithley Creek; Ruin of "Cariboo" Cameron's Cabin, Barkerville.....	111
Last of Royal Engineers.....	113
Esquimalt Harbour, About 1867.....	115
The Sheepshead and the Prairie Flower, Williams Creek.....	117
Barkerville, Before and After the Fire, 1868.....	119
Old Black Jack & Burns Hydraulic, Cariboo, 1863.....	121
"Big Jennie" and "Scotch Jennie".....	123
Old Stage Views of the Cariboo Road.....	131
The Evolution of the Postal Service.....	133
Cariboo Gold Escort, 1862; Scene on Old Cariboo Road.....	135
Old Timers of Fraser River.....	139
Government Offices, 1864, and the Mint, 1862, New Westminster.....	141
Old Government Office, Leech River.....	147
James Cook, George Vancouver, Sir Alexander Mackenzie, David Douglas, Sir Harry Bur-	
rard Neale.....	149
Pintledamme Pass.....	153
Royal Navy Dock Yard; Royal Navy Cemetery; St. Paul's Church, Esquimalt.....	154, 155
Moricetown, Hudson Bay Mountain and Bridge Across Bulkley River.....	163
His Excellency Frederick Seymour.....	167
Canyon, Bulkley, From Bridge at Ahwillgate.....	171
Canyon of Skeena, Near Old Kuldo.....	173
Valley of Chilcotin River, Near Alexis Creek, and Anahim Reserve.....	181
First Legislature of 1864.....	191
Views of Cary Castle.....	207
Dodger, Route to the Big Bend Gold Mines.....	239
Legislative Council, 1870.....	255
Pioneers of 1867.....	257
Ne'er Do Weel, Grouse Creek; A Mine.....	259
Judge Needham and Party at Dr. Carrall's Cariboo Office, "Grouse Creek War".....	261
Pass Between Headwaters of Spatzizi and Skeena Rivers.....	263
Pack-Train Crossing Klastline River; Northern Prospector, Packing Supplies on Dogs....	265
Interesting Crowd of Pioneers, Photograph Taken July 1, 1871, or 1872.....	267
Junction of Stikine and Tahltan Rivers; Swimming Pack-Train Across Stikine at Tele-	
graph Creek.....	268
Abandoned Town of Glenora and Present Town of Telegraph Creek, Stikine River.....	269
McDame Creek, Cassiar District; A Government Building, Atlin.....	271
Van Winkle, Williams Creek; Richfield.....	273
Map of Placer Claims, Leaseholds, etc., Williams Creek.....	275
Governors of Vancouver Island and British Columbia (Group I).....	277
Governors of Vancouver Island and British Columbia (Group II).....	281
Pioneers of British Columbia.....	293
Map of Proposed Middle Channel in San Juan Difficulty.....	305
British Camp on San Juan Island During Period of Dual Occupation.....	313

	PAGE
British-United States Boundary, Yahk River; Cairn on Boundary Line, East Kootenay..	323
Legislative Assembly, 1872, First Parliament after Confederation; Legislative Assembly, 1878, Third Parliament.....	331
Premiers of British Columbia (Group I).....	335
Legislature 1871.....	337
Steamship "Pacifie," Captain Charles A. Sawyer, Captain Jefferson D. Howell.....	338
Neil Henley .....	339
Map of Part of North America, Showing the Proposed Line of Railway.....	343
Junction of Peace and Patsnip Rivers.....	349
Kicking Horse River and Mount Stephen, Field; Beaver Canyon.....	423
Major A. B. Rogers, Walter Moberly.....	425
View of Seal Life; Driving the Last Spike on the Canadian Pacific Railway, November 7, 1885 .....	427
Potlach on Songhees' Reserve, Victoria; Canadian Pacific Railroad Engine Brought From Montreal to Vancouver by Engineer D. MacKenzie in 1886.....	428
Reproduction of Advertisement of Through Trains on Canadian Pacific.....	429
John Morton, William Hailstone, Samuel Brighthouse.....	431
1885 Views of Granville.....	435
Legislative Assembly, 1882, Fourth Parliament; 1886, Fifth Parliament; 1890, Sixth Par- liament .....	445
Western Fuel Company's Northfield Mine, Brechin.....	447
Camp at McEvoy Flats, Groundhog Coalfield; Groundhog Mountain, Trail Over Summit in Mid Summer.....	449
Premiers of British Columbia (Group II).....	451
The Bering Sea Tribunal.....	463
Canadian Metal Company's Concentrating Plant, Bluebell Mine, Kootenay Lake.....	469
LeRoi Shaft House and Compressor Plant, the Nickel Plate Mine.....	473
Silverton, Slocan District; Steamer "Slocan"—New Denver from Wharf.....	475
Town of New Denver, Slocan Lake.....	477
St. Eugene Mill, Moyie.....	478
Sandon; Granby Smelter, Grand Forks.....	479
Town of Greenwood, 1900, Looking North.....	480
Daly Reduction Company's Plant, Hedley.....	481
General View of the Tyee Smelter, Ladysmith.....	483
Quesnelle Hydraulic Mining Company's Camp.....	484
Britannia Beach; Britannia Mine—Upper Workings.....	485
Parliament Buildings, Victoria.....	491
Legislative Assembly, 1894, Seventh Parliament; Legislative Assembly, Third Session, Seventh Parliament.....	495
Hazelton, Bulkley Valley, Pack-Train Loading; Quesnelle Hydraulic Mine, Hydraulic....	499
Steamer "Caledonia" Ascending the Skeena; Steamer "Gleaner"—For Atlin—On Taku Arm .....	501
British Columbia Copper Company's Smelter, Greenwood, Kettle River Mining Division..	503
B. A. Dredging Company's (Gold) Dredge, Gold Run, Atlin Mining Division.....	505
Hatfield Park—Residence of the Hon. James Dunsmuir; James Bay Embankment, Victoria	513
Legislative Assembly, Ninth Parliament; Legislative Assembly, First Session, Tenth Par- liament .....	515



	PAGE
Prince Rupert .....	533
Present Administration.....	547
Grand Trunk Pacific Railway at "53 Mile".....	549
Views of Prince Rupert.....	550
Commissioners' Camp, Chilkat.....	553
Fort Simpson.....	554
Port Simpson, 1900.....	555
Scows at Bennett Loading for Dawson.....	557
Mount Selwyn, on Peace River, Looking Southeast.....	581
Bunkers on Wharf Pacific Coast Coal Mines, Ltd., Boat Harbour.....	583
Marine and Fisheries, Digby Island; Canadian Fish and Cold Storage Company's Plant...	585
Haysport .....	587
Harvest Time.....	589
Farmhouse, Vancouver Island, and Farming and Fruit-Growing District Near Vancouver	591
A Mile of Oats, Matsqui.....	593
An Irrigated Orchard in British Columbia.....	595
Kamloops and Early View of Nanaimo.....	597
A Typical Young Orchard.....	601
Dairy Farm, Vancouver Island.....	603
The Right Reverend Bishop Demers.....	605
Chief Justices of Vancouver Island and British Columbia.....	653

# PART I









BRITISH COLUMBIA



1861  
BRITISH COLUMBIA  
1861



1861

## CHAPTER I

### FIRST NEWS OF GOLD—QUEEN CHARLOTTE ISLANDS EXCITEMENT

Although the discovery of gold in the Thompson River and its tributaries—the Couteau District of that time—followed by the knowledge that the bars of the Fraser River were auriferous, was the cause of the great inrush of 1858, it was not the first intimation of the existence of the precious metal in the British possessions west of the Rockies.

During the short *régime* of Governor Blanshard he had, in August, 1850, reported to Earl Grey that he had seen “a very rich specimen of gold ore, said to have been brought by the Indians of Queen Charlotte Islands.”<sup>1</sup> In the following March he again mentioned the matter in a despatch, stating that a rumor was current that fresh specimens, said to be very rich, had been obtained from the same source and that it was the intention of the Hudson’s Bay Company to send an expedition in the course of the summer to make proper investigations.<sup>2</sup>

Accordingly in July, 1851, the *Una*, one of the company’s vessels, left Fort Simpson to visit the west coast of Queen Charlotte Islands, the reported gold-bearing region. The expedition consisted of Chief Trader McNeill, Chief Trader Work, and eight men, besides the vessel’s crew. Principally by barter about sixty ounces of gold were obtained. The natives soon got an exaggerated idea of its value; one, who was the fortunate possessor of a lump of nearly pure gold weighing one pound eleven ounces, refused to dispose of it for less than fifteen hundred blankets.<sup>3</sup>

The knowledge of the discovery of gold can never be long concealed. It became known in Oregon Territory. Two American ves-

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<sup>1</sup> Queen Charlotte Islands Papers, p. 1.

<sup>2</sup> Id.

<sup>3</sup> Id., p. 11.



sels, carrying some sixty adventurers, were at once fitted out at Puget Sound for the new gold region.<sup>4</sup> Governor Douglas, learning their intentions, asked for instructions to exclude them, but the Secretary of State for the Colonies replied that it would not be expedient to issue any proclamation against the resort thither of foreign vessels. In October, 1851, the *Una* again visited Mitchell Harbour, on the west coast of Moresby Island. A vein averaging six and one-half inches in width and yielding twenty-five per cent pure gold was found running eighty feet parallel with the coast.<sup>5</sup> At first the Indians appeared pleased at the advent of the gold seekers, but when operations were commenced by blasting they became exceedingly troublesome. They stole the tools, and, emboldened by success, they rushed in as soon as a blast was fired and seized the gold. "They would be concealed until the report was heard, and then make a rush for the gold; a regular scramble between them and our men would take place; they would take our men by the legs and hold them away from the gold; some blows were struck on these occasions; the Indians drew their knives on our men often."<sup>6</sup> Fully one-half of the results of the blasting were thus lost, and in order to avoid blood-shed the work was abandoned. Nevertheless, from the three blasts which were made, gold to the value of £300 was obtained.<sup>7</sup> On her return trip to Victoria the *Una* was wrecked at Neah Bay, and, the company having at the time no other available vessel, the American adventurers had free scope.

The first vessel from Puget Sound, the *Georgiana*, was wrecked on the east coast of Queen Charlotte Islands. The thirty adventurers on board fell into the hands of the Indians, who stripped them of everything and held them prisoners. The second vessel, the *Damariscone*, reached Mitchell Harbour safely, but only remained a few days. The appearance of the natives was so hostile that no attempt to effect a landing was made. On her return to Olympia with the news of the imprisonment of those who had sailed on the *Georgiana*, the *Damariscone* was fitted out as a revenue cutter, a small force was placed on her, and she was sent to their assistance. No war-

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<sup>4</sup> Queen Charlotte Islands Papers, p. 2.

<sup>5</sup> Id., p. 3.

<sup>6</sup> Letter, Douglas to Earl Grey, Jan. 29, 1852.

<sup>7</sup> Queen Charlotte Islands Papers, p. 7.

like demonstration occurred on her arrival, the release of the prisoners being obtained by gifts of blankets and trinkets.<sup>8</sup>

The news of gold, increasing in proportion to the distance travelled, created a great excitement in San Francisco. In April and May, 1852, six vessels, the schooner *Susan Sturgis*, the brig *Tepic*, the brig *Palermo*, the schooner *Mexican*, the brigantine *Eagle*, and the schooner *Cecil* sailed for Mitchell Harbour, each carrying from forty to fifty miners.<sup>9</sup> However, as they met with no success, although they carefully prospected the country surrounding Mitchell Harbour, they returned to San Francisco almost immediately. The *Exact* and another American vessel also made the attempt, but the hostility of the natives prevented them from carrying on any mining, and though their force was considerable and well-armed they were beaten off and compelled to return empty-handed.

Governor Douglas again pressed upon the Home Authorities his view of the necessity of excluding foreign vessels, basing it, not upon any political considerations, but upon its effect on the prosperity of Vancouver Island. He pointed out that if the Queen Charlotte Islands were open only to British vessels (which expression was under the existing conditions equivalent to Hudson's Bay Company vessels), a flourishing trade with Victoria (which really meant with the Hudson's Bay Company) would spring up.<sup>10</sup> His desire to monopolize the mining for the company is plain. Sir J. H. Pelly, the Governor of the Hudson's Bay Company, asked the British Government to consider what steps should be taken to obtain the gold and to prevent citizens of the United States from trespassing on Her Majesty's possessions and infringing the rights of the Hudson's Bay Company.<sup>11</sup>

While these matters were being discussed, Governor Douglas concluded to renew mining operations. About the end of March, 1852, the brig *Recovery* sailed for Gold Harbour, as the locality on Mitchell Harbour had been called, with a strong and well-appointed party, consisting of five officers and forty men, under Chief Trader Kennedy. The expedition was on a coöperative plan, the company furnishing all materials, powder, mining tools, etc., and receiving therefor one-half the proceeds, the other half being equally divided

<sup>8</sup> Queen Charlotte Islands Papers, p. 7.

<sup>9</sup> Id., p. 12.

<sup>10</sup> Douglas to Earl Grey, Jan. 29, 1852; Queen Charlotte Islands Papers, p. 3.

<sup>11</sup> Id., p. 4.

amongst the men employed, who, though regular servants of the company, were to receive no wages while engaged in this venture.

They took possession of the only surface gold vein in the locality, with the consent and approbation of the natives, with whom the party lived on friendly terms. When, therefore, the vessels from San Francisco, already mentioned, arrived, finding the ground pre-occupied, they were compelled to seek elsewhere.<sup>12</sup> Disheartened and disappointed, these adventurers soon departed, leaving the company's men in undisputed possession. Their efforts, however, were but ill rewarded. Gold, that is to say gold-bearing quartz, was blasted out of the vein, but not in paying quantities. After a few days' work the vein disappeared. Officers and men were alike dispirited. The neighboring territory was then prospected in the hope of better fortune, but although several veins carrying traces of gold were found, a few blasts invariably exhausted them. The expedition then returned to Gold Harbour and resumed operations in the hope of finding the lost lode. Failing in this attempt and completely discouraged they returned to Victoria in August. The value of the ore obtained by the venture was about £90. The loss sustained by the company was £943 3s. 11d.<sup>13</sup> When William Downie, a veteran miner of California, was at Gold Harbour in 1859 he examined the spot where these workings had been made. He gives it as his opinion that what was called a vein was merely what the miners know as a blow-out, or off-shoot, a very rich freak of nature often found in a mining country. A fortunate Indian picked up on the beach a beautiful specimen of pure gold weighing about three pounds troy and valued at about \$600.<sup>14</sup>

The *Susan Sturgis* has been mentioned as one of the vessels that left San Francisco in the spring of 1852. Later in that year she made another trip to Queen Charlotte Islands. It was her last. After some days spent in fruitless search in the vicinity of Gold Harbour, it was determined to visit the east coast in the hope of better results. Rounding Cape St. James, the *Susan Sturgis* cruised, traded, and prospected along that coast as far as Skidegate. There Chief Edensaw of Masset, with his family and friends, was taken on board and

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<sup>12</sup> Queen Charlotte Islands Papers, p. 9.

<sup>13</sup> Queen Charlotte Islands Further Papers, pp. 9, 12.

<sup>14</sup> Hunting for Gold, p. 210; Queen Charlotte Islands Papers, p. 9.



the schooner continued her course northward. Off Masset, several canoes, well filled with Indians, came alongside and boarded her, ostensibly as friends. Almost instantly these barbarians fell upon the unsuspecting crew, overpowered them in a few minutes, and obtained possession of the vessel. The Captain, however, succeeded, with the aid of Edensaw, in sending out the following letter:

"Off Masset Harbor,  
"Sept. 26, 1852.

"To Whatever Christian This May Come:

"This is to inform the public that the Captain and crew of the schooner *Susan Sturgis* are now confined in the after cabin of said vessel, the tribe of Masset Indians having taken the ship this day at 10 a. m., and are now fighting with Edensaw and a few of his men who are trying to save our lives.

"MATHEW ROONEY,  
"Master."

This message reached the Hudson's Bay Company's post at Fort Simpson, and Chief Trader Work, who was in charge there, at once sent out men to their assistance. He succeeded in obtaining the release of all the prisoners, paying in blankets at the rate of \$250 each for the captain and mate, and \$30 each for the others. He was too late, however, to save the vessel, which after being looted was destroyed by the savages.<sup>15</sup>

Though Governor Douglas was anxious to prevent the Americans and all other persons from access to British territory over which the company had the license of exclusive trade, he, nevertheless, as a matter of policy, always undertook to punish the Indians for any wrong against the whites. H. M. S. *Virago* was immediately sent upon this errand. After a searching enquiry her commander, Capt. James C. Prevost, could not fix the blame upon any particular tribe, and the matter was allowed to drop; but his opinion was that Chief Edenshaw had played a double part.<sup>16</sup>

In September, 1852, Sir John Pakington, the Secretary of State for the Colonies, replied to Governor Douglas's request for the exclusion of foreign vessels. "On this proposal," he said, "I have merely

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<sup>15</sup> *Victoria Gazette*, Aug. 18, 1858; *Victoria Times*, June 11, 1904.

<sup>16</sup> Metlakahla and North Pacific Mission, p. 91.

to inform you that Her Majesty's Government would not be justified under the existing state of the law in resorting to any measure of this description." The Secretary, however, determined to go a short distance in the desired direction and to "take immediate steps for the protection of British interests against the depredations of Indians or the unwarranted intrusion of foreigners on the territory of the Queen" by sending a naval force to Queen Charlotte Islands. To be prepared for eventualities a commission was issued to James Douglas, Governor of Vancouver Island, as "Lieutenant-Governor of Queen Charlotte Islands." It was explained that: "The commission is issued solely to meet the circumstances of the times; it conveys to you no power to make laws or constitute a regular government; but it gives the party bearing it a position of authority as representing Her Majesty's Government in the district, which is both important and valuable." Regarding the regulation of gold-mining the Governor was informed: "You will, therefore, understand that your power extends to granting licenses on such terms and for such period as you may think proper to persons intending to search for gold on the Island; and that in cases of violation of the right which such licenses give, or any unauthorized search taking place, you are to claim the support of Her Majesty's officers who may be within reach to enforce your authority."<sup>17</sup>

Governor Douglas was not slow in bringing into force the license system suggested by the Secretary of State. In March, 1853, he issued the following

#### PROCLAMATION

"By his Excellency, James Douglas, Esq., Governor of Vancouver's Island, and Lieutenant-Governor of Queen Charlotte's Island and its Dependencies, etc.

"WHEREAS, by law, all mines of gold, and all gold in its natural place of deposit within the Colony of Queen Charlotte's Island, whether on the lands of the Queen or of any of Her Majesty's subjects, belong to the Crown:

"And, whereas, information has been received by the Government that gold exists upon and in the soil of the colony, and that certain

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<sup>17</sup> Queen Charlotte Islands Papers, pp. 12, 13.

persons have commenced, or are about to commence, searching and digging for the same for their own use, without leave or other authority from Her Majesty: Now I, James Douglas, esquire, the Governor aforesaid, on behalf of Her Majesty, do hereby publicly notify and declare that all persons who shall take from any lands within the said colony any gold, metal, or ore containing gold, or who shall dig for and disturb the soil in search of such gold, metal, or ore, without having been duly authorized in that behalf by Her Majesty's Colonial Government, will be prosecuted both criminally and civilly, as the law allows. And I further notify and declare, that such regulations as may be found expedient will be prepared and published, setting forth the terms on which licenses will be issued for this purpose, on the payment of a reasonable fee.

"Given under my hand and seal at the Government office, Victoria, this 26th day of March, in the year of Our Lord One Thousand Eight Hundred and Fifty-three, and in the seventeenth year of Her Majesty's reign.

"By his Excellency's command,

JAMES DOUGLAS,  
"Secretary."

GOD SAVE THE QUEEN!

A few days later appeared the following regulations:

"Government House, Victoria, April 7, 1853.

"With reference to the proclamation issued on March 26th, declaring the rights of the Crown in respect to gold found in its natural state of deposit within the Islands of Queen Charlotte, his Excellency the Lieutenant-Governor has been pleased to establish the following provisional regulations, under which licenses may be obtained to dig, search for, and remove the same:

"1. From and after the first day of April no person will be permitted to dig, search for, or remove gold on or from any lands, public or private, without first taking out and paying for a license in the form annexed.

"2. For the present, and pending further proof of the extent and productiveness of the gold deposits, the license fee has been fixed at 10s. per month, to be paid in advance; but it is to be understood that



the rate is subject to future adjustment as circumstances may render expedient.

"3. The licenses can be obtained at Victoria, Vancouver Island, until a commissioner is appointed by his Excellency the Lieutenant-Governor to carry those regulations into effect, and who will be authorized to receive the fee payable thereon.

"4. Rules adjusting the extent and position of land to be covered by each license, and for the prevention of confusion, and the interference of one license with another, will be regulated by the said commissioner.

"JAMES DOUGLAS.

"By his Excellency's command,

"RICHARD GOLLEDGE." <sup>18</sup>

This proclamation and these regulations were mere waste paper, for by the time they were issued the public had become convinced, by the failure of all the American expeditions, and more especially by the failure of the Hudson's Bay Company's attempt, that gold did not exist in paying quantities on Queen Charlotte Islands. But the experience was not without value to the Governor. It gave practical demonstration of the lure of the gold; it also afforded him an insight into the course of conduct which might be expected to meet the approval of the Home Authorities in dealing with foreigners seeking entrance to British possessions; and further, it enabled him to see, or should have enabled him to see, what lines of conduct they would likely pursue should similar conditions again arise.

Almost as soon as the Indians of the mainland learned the nature of the stone which was drawing these vessels to the unfrequented coasts of Queen Charlotte Islands, they produced specimens of similar ore. The *Fort Simpson Journal* says: "This day one of the chiefs from Skenar River that arrived here yesterday brought a few small pieces of gold ore to the fort; also two large pieces of quartz rock with a few particles of gold ore introduced. The chief \* \* \* tells me that it would take me seven days to go where the gold is to be found and return back to the fort. I am told by others that we can go to the place in two days or forty-eight hours by trail. The chief tells me that the gold is to be seen in many places on the

<sup>18</sup> Queen Charlotte Islands Further Papers, pp. 3, 4.





STEAMSHIP "BEAVER"

First steam vessel on the Pacific Coast. Came to Columbia River 1835. Was owned by Hudson's Bay Company



surface of the rock for some distance, say two miles. This is a most important discovery, at least I think so, and may prove more convenient for us to work than the diggings on Queen Charlotte Islands." And the entry concludes: "Who knows but this discovery may prove more valuable than the diggings in California?"<sup>19</sup> About a fortnight later the first attempt was made to find this gold-bearing ledge; but the arrival of the *Beaver* caused the expedition to return before it had fairly started. At last, on May 5th, "Chief Factor John Work, with Pierre Lagrace, Quintal, and four Indians, started in a canoe for Skenar River to examine the gold regions said to exist up that river." The expedition ended in failure. In September another chief reported gold on the Skeena, and the natives of the Nass River District also brought in some specimens. Chief Factor Work set out to examine the latter region, but again disappointment waited upon his fond hopes.

## NEWS OF GOLD ON THE MAINLAND

The scene of the gold search now shifts to the southward. Who discovered placer gold in British Columbia? and when? and where? Perhaps no questions concerning our past have been so much debated. The pioneers are hopelessly divided, and scarcely any two agree in the answers. The discovery of gold in California is attributed by every one to John Marshall; the discovery of gold in Australia to Hargraves; but in British Columbia ——. Before stating that which in our opinion is the authentic story, let us pass in review a number of claims.

Chief Trader McLean at Kamloops is alleged to have procured gold dust from the natives as early as 1852.<sup>20</sup> This is supported by Gavin Hamilton, a Chief Factor of the Hudson's Bay Company, but in reference to a later year. He says it "is absolutely certain that gold was discovered in the Thompson River during the season of 1856, because Mr. McLean at Kamloops had two pint pickle bottles half full of gold taken from the river that year."<sup>21</sup> Mr. Roderick Finlayson claimed that gold was discovered on the Thompson River and that Chief Trader McLean sent to Victoria for iron spoons to be used

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<sup>19</sup> *Fort Simpson Journal*, April 8, 1852.

<sup>20</sup> De Groot's *British Columbia*, p. 13.

<sup>21</sup> *Victoria Times*, July 26, 1907.

in extracting the nuggets from the crevices of the bed-rock. James Houston of Langley claimed to be the discoverer of gold in British Columbia. His story was that in 1854 he came from the Columbia River by way of Okanagan, and stopped at the Hudson's Bay Company's old post at Tranquille Creek, near Kamloops. In the following month, to the astonishment of all the men there, he, on prospecting, found coarse gold near the point where the Tranquille empties into the Thompson. This gold he sent to Governor Douglas, and it was, according to Mr. Houston, the first intimation that officer had of the existence of placer gold on the mainland. Mr. A. C. Anderson states that the first news of gold came from Angus McDonald, in charge at Fort Colville, who in 1855 "wrote down to Fort Vancouver that one of his men, while employed hauling firewood, had almost undesignedly amused himself by washing out a pannikin of gravel on the beach near Colville." This in our opinion is the accurate statement.

Wherever gold was first found in British Columbia, there is little doubt that the discovery which brought the Fraser region into notice, and hence is claimed by many as the original discovery, was made on the Nicomen River, which flows into the Thompson a few miles east of Lytton. Governor Douglas in his diary says: "Gold was first found on Thompson River by an Indian a quarter of a mile below Nicomen. He is since dead. The Indian was taking a drink out of the river; having no vessel he was quaffing from the stream when he perceived a shining pebble which he picked up, and it proved to be gold. The whole tribe forthwith began to collect the glittering metal."<sup>22</sup> This was likely in 1856.

Amongst other stories Bancroft gives the following: "McDonald and Adams, two partners who were engaged in mining on the Thompson and Fraser in 1857-8, brought down some of the first gold from the bars where the first profitable workings were carried on. At the mouth of the Fraser, McDonald killed Adams and secured his gold, which he carried to Olympia and there displayed it."<sup>23</sup> As this has passed current as one of the stories of the original discovery of gold in British Columbia, it seems advisable to give the facts, that its falsity may be apparent. Adams, while mining on Fraser River, was

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<sup>22</sup> Douglas's Diary, Aug. 14, 1860.

<sup>23</sup> Op. cit., p. 350.

entrusted by Mr. McCaw of Steilacoom with some goods for sale. When McDaniels (the real name of the person referred to as McDonald) was setting out for the mines with a stock of goods, McCaw gave him an order upon Adams for the proceeds. Adams and McDaniels combined their goods in a joint venture. Having disposed of them, some difficulty arose regarding their respective shares and the payment of McCaw's order. As they were descending the river together Adams stole the order from the sleeping McDaniels and decamped. McDaniels followed in haste and overtook the fugitive near the present village of Ladner. Upon demand being made for the stolen document and for a division of the dust, Adams "assumed an air of insolence and answered the other to get it if he could. Upon this the latter drew a pistol and shot him through the heart, killing him instantly. McDaniels then proceeded to Whatcom and gave himself up. The deed was fully justified by the circumstances. Adams is an Englishman, was formerly in the service of the Hudson's Bay Company, and one of the most proficient scoundrels and horse thieves with whom our territory has ever been afflicted."<sup>24</sup> The incident occurred late in May, 1858, and plainly has nothing to do with the discovery of gold.

But to return. We have already stated our opinion that gold was first discovered on the Columbia River not far from Fort Colville in 1855. Mr. James Cooper told the Select Committee in 1857 that gold was found in the British possessions in that vicinity about the end of 1855.<sup>25</sup> In March, 1856, Angus McDonald, Clerk in charge of Fort Colville, a trading post of the Hudson's Bay Company, situated some twenty miles south of the international boundary, reported to Governor Douglas that gold in considerable quantities had been found on the Columbia River within the British possessions.<sup>26</sup> The miners, who were principally retired servants of the company, were reported to be obtaining from £2 to £8 per day. The news of this discovery caused unrest amongst the sparse population of Vancouver Island. In the *Journal of Nanaimo* occurs this naïve entry: "Sept. 8, 1856. Five men were this day paid off as they declined working any longer for the company—their intention being to proceed to the

<sup>24</sup> *Pioneer and Democrat*, June 4, 1858.

<sup>25</sup> Hudson's Bay Co. Report, 1857, Q. 3914, 3915, 3947-65.

<sup>26</sup> *The New El Dorado*, p. 341; Hazlitt, *British Columbia*, Ballantyne, p. 127; *New Gold Fields*, p. 91.



gold mines at Colville; being under no agreement these men may not be considered as deserters." Three of them fell by the wayside as the following entry shows: "Oct. 13, 1856. Of the men who left here for the gold mines at Colville on September 8th, three of them returned today, after an unsuccessful journey as far as Fort Hope." Some of the settlers on the Island also left for the new mining region. Traveling by way of Puget Sound and the Columbia River they succeeded in reaching their goal.<sup>27</sup> Returning in the fall they brought the report that from \$4 to \$20 a day could be made in this pursuit. In October, 1856, Governor Douglas reported that two hundred and twenty ounces of gold had been brought to Fort Victoria from the Colville mines.<sup>28</sup>

There is extant a letter from John Work to Edward Ermatinger dated August 6, 1856, in which it is stated:

"Gold has been discovered at Colville and even some found at Thompson's River and at Fort Hope, about eighty miles above Langley. Some of the diggings are reported to have done well and high expectations are entertained though it has not created much excitement among our men. Owing to a destructive war that the Oregon and Washington territory citizens got themselves involved in with the Indians, which is not entirely over yet, it was not safe to go by the way of the Columbia, so that many adventurers from that quarter could not go, but we have lately learned that plenty are on their way there now and there are grounds to anticipate favorable results, should, as is expected, gold be found plentiful."

American adventurers began to resort to the country with the first news of gold discoveries. In 1857 they made their way from the Columbia into the watershed of the Thompson River. The natives, having learned the value of the yellow metal, threatened to prevent all attempts at mining on any of the tributaries of the Thompson. The miners, nevertheless, entered that territory, prospected the streams, and found gold.<sup>29</sup> The great area covered by them in these researches gave ground for a well-founded opinion that the whole territory was auriferous. In December, 1857, Governor Douglas reported: "The reputed wealth of the Couteau mines is causing

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<sup>27</sup> James Cooper's evidence in Hudson's Bay Co. Report, 1857.

<sup>28</sup> Gold Discovery Correspondence, p. 6.

<sup>29</sup> Gold Discovery Correspondence, p. 7.

much excitement amongst the population of the United States territories of Washington and Oregon, and I have no doubt that a great number of people from those territories will be attracted thither in spring.”<sup>30</sup> He therefore took the liberty of issuing (without authority, for his commissions as Governor of Vancouver Island and Lieutenant-Governor of Queen Charlotte Islands did not include any portion of the mainland) a proclamation declaring the rights of the Crown in respect to gold deposits within the Fraser River and Thompson River districts—locally known as the Couteau region—and forbidding all persons to dig or disturb the soil in search of gold until authorized by license. The license fee was fixed at 10s. per month, subject to future increase. Later it was altered to 21s. per month. The proclamation and the regulations were, with the necessary alterations to fit the circumstances, exact reproductions of those issued in connection with the Queen Charlotte Islands. Thus, early, the experience obtained in that fruitless gold quest became of value. Recognizing that in so acting he was exceeding his authority, the Governor says: “My authority for issuing that proclamation, seeing that it refers to certain districts of continental America, which are not, strictly speaking, within the jurisdiction of this Government may, perhaps, be called in question; but I trust that the motives which have influenced me on this occasion and the fact of my being invested with the authority over the premises of the Hudson’s Bay Company, and the only authority commissioned by Her Majesty within reach, will plead my excuse. Moreover, should Her Majesty’s Government not deem it advisable to enforce the rights of the Crown, as set forth in the proclamation, it may be allowed to fall to the ground and to become a mere dead letter.”<sup>31</sup>

In April, 1858, Governor Douglas reported that up to that time the greater part of the mining had been carried on by the Indians, and that about eight hundred ounces had been obtained from them. The Thompson River Indians at first pursued the same course as those on Queen Charlotte Islands had done. They closely watched the white miners, and in every instance when the latter did succeed in removing the surface and excavating to the depth of the auriferous stratum, they were quietly hustled and crowded by the natives, who, having

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<sup>30</sup> Gold Discovery Papers, p. 8.

<sup>31</sup> *Id.*, p. 9.

by that means obtained possession of the spot, then proceeded to reap the fruits of the others' labour. At this time gold was known to exist on many of the tributaries of the Thompson, especially on the Nicomen; it had also been found on the Fraser about five miles below Lytton. The Governor at the same time added: "I have further to communicate for your information that the proclamation issued by me, asserting the rights of the Crown to all gold in its natural place of deposit and forbidding all persons to dig for gold without a license, has been published in the newspapers of Oregon and Washington territories, and that, notwithstanding, some seventy or eighty adventurers from the American side have gone by the way of Fraser River to the Couteau mines without taking out license."<sup>32</sup> These adventurers, the vanguard of the great Fraser River "rush" of 1858, came as the result of the action of the Hudson's Bay Company itself, which had, in February, 1858, sent to the United States mint at San Francisco, in charge of Mr. Holt, the purser of the *Otter*, the eight hundred ounces above mentioned. This fact was soon noised abroad and in March a small band of prospectors started for the new El Dorado. Ascending the Fraser they discovered rich pay on Hill's Bar, about a mile and a half below Yale. News of their success and samples of the dust were sent to San Francisco in April. Thus, visible evidence was present to support the statements then current, emanating from those who, in the previous summer, had been mining on the Thompson and its tributaries. For the reason mentioned their work had not been very remunerative; but though their faith in the richness of the new mining region was strong, the absence of tangible results had prevented their stories from being implicitly believed. The days of placer mining in California had passed by and conditions were ripe for action.

The earliest reference to the mines of Fraser River appeared in the *Pioneer and Democrat*, published in Olympia, Washington Territory, on March 5, 1858. It runs as follows:

"We learn from Captain Jones of the schooner *Wild Pigeon*, who is engaged in freighting between this and other ports on the Sound and Strait with Victoria, that much excitement exists on Vancouver Island in consequence of the alleged discovery of rich gold deposits to the northward in the British possessions. The precise locality of

<sup>32</sup> Gold Discovery Papers, pp. 10, 11.







HUDSON'S BAY COMPANY TEAM AT YALE



MULE TEAM AT YALE



MULE TEAM READY TO CROSS QUESNEL RIVER

these reported gold discoveries Captain Jones is unable to designate, but, according to representations, they are located between Fort Hope and Thompson River, and not to exceed four or five days' journey removed from the mouth of Fraser River. It is represented that persons with canoes can approach within ten or twelve miles of the diggings, although, in so doing, some pretty strong rapids will have to be encountered. Report has it that miners are getting out from \$25 to \$50 per day each, and that Indian women are panning out \$10 to \$12 each. This, Captain Jones thinks, is an exaggeration, but has no doubt of the existence of rich gold fields in the direction specified. Nearly all the French and half-breeds on the Island had either started for this new El Dorado or were proposing to start. Fort Langley is sure to be entirely deserted—the chief factor being gone to the diggings with provisions, merchandise, etc., leaving but one clerk and a few Kanakas in charge. The company's blacksmith at Victoria is employed day and night in manufacturing picks, shovels, etc., for the mine. It may not be amiss in this place to correct an error into which some of our citizens have fallen, concerning the license required by the British Authorities, as per proclamation of Governor Douglas, for the privilege of working the gold diggings. *The same license (21s. a month) is demanded of British as well as American, or subjects of any other government; no distinction whatever is made as regards nationality or color.* British subjects and American citizens stand on terms of perfect equality as to the privilege of working the mines.”<sup>33</sup>

The combination of all these causes set in motion a great northern movement. Fortune beckoned to the downhearted of Oregon and California, and pointed towards the yellow star now rising above the unknown wilds of New Caledonia. The lure of the gold is always strong; in these circumstances it was irresistible. The excitement increased daily. As Donald Fraser, the *Times* correspondent, wrote: “None too poor and none too rich to go. None too young and none too old to go; even the decrepit go.”<sup>34</sup> Rumor painted the Couteau country as a second California or Australia in point of mineral wealth. From the Territory of Washington, boats, canoes, and every species of small craft poured their human cargoes into the Fraser River

<sup>33</sup> *Pioneer and Democrat*, March 5, 1858.

<sup>34</sup> Brown's Essay on British Columbia, p. 3.

District. On Puget Sound shipping was paralyzed. All the crews there deserted and rushed *en masse* to make their fortunes in the mines. All manufacturing, all industry there was at a standstill. No ties were strong enough to resist the golden influences.<sup>35</sup> Even the soldiers in United States posts of Steilacoom, Forts Townsend and Bellingham deserted in numbers. But in California the excitement was, if possible, even more intense. On April 25th, the *Commodore* arrived from San Francisco with four hundred and fifty miners. Governor Douglas reported on May 8th that "not less than one thousand whites are already at work and on the way to the gold districts." A week later he increased his estimate, stating that "fifteen hundred white miners, at the smallest computation, had reached the diggings." All through the month of May vessels of every size and kind sailed from San Francisco laden with eager treasure seekers.<sup>36</sup>

Portland was the destination of a considerable number of steamers during the early stages of the excitement. It was widely advertised as furnishing the easiest access to the mining region by the inside of plateau route, via Wallula, Okanagan, and Kamloops. Joel Palmer, who was the first man to reach the Thompson River with wagons, was one of the strongest supporters of this line of travel. He states that in the summer of 1858 companies of four hundred and five hundred men with pack animals overtook and passed his wagons on the way. To guard against the Indians he adopted a quasi-military organization. The Columbia was crossed at Okanagan. The cattle, of course, swam the river. The wagons were taken across on two canoes, so arranged that the empty wagons rested upon them as upon a ferry boat. The freight was piled in the bottom of the canoes to give stability. Three wagons and their contents were thus taken over at one time by four men. Rafts were necessary in some of the difficult forest-covered country. On these the wagons and freight were piled, and they were pulled and towed along the shore with ropes. These few details will account for the fact that though some companies did make their way along this route, it was not long before it was recognized that the water travel to Victoria or Puget Sound was the more satisfactory course to be followed.

The following list, showing the vessels clearing at San Francisco

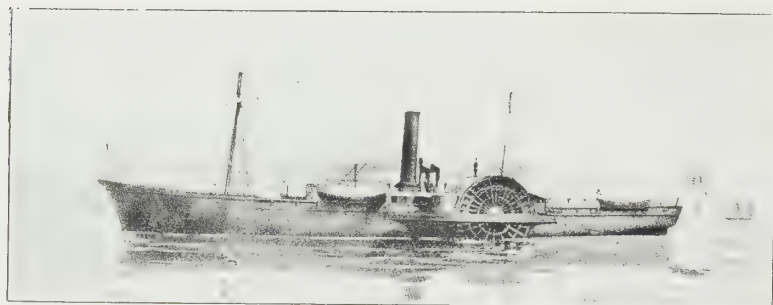
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<sup>35</sup> *Pioneer and Democrat*, April 9, 1858.

<sup>36</sup> Cornwallis' *New El Dorado*, p. 147.







STEAMSHIP "REPUBLIC"



STEAMSHIP "ORIZABA"



STEAMSHIP "BROTHER JONATHAN"



THE HUDSON'S BAY STEAMER "OTTER"

for Victoria and Fraser River points, gives a good idea of this feverish excitement.

In April: *Commodore*, 300; *Golden State*, 15; *Constitution*, 140; total, 455.

In May: *Panama*, 568; *Commodore*, 194; *Pacific*, 500; total, 1,262.

In June: *Republic*, 953; *Commodore*, 900; *Panama*, 1,070; *Cortez*, 894; *Santa Cruz*, 208; *Oregon*, 618; *Sierra Nevada*, 900; *Pacific*, 400; *Giulietta*, 85; *Kossuth*, 8; *Emma*, 35; *Pilgrim*, 11; *California*, 1; *Gold Hunter*, 132; *Adelaide*, 100; *Live Yankee*, 210; *D. M. Hall*, 105; *R. Passenger*, 250; *Ann Perry*, 100; *William*, 150; *F. Adams*, 19; total, 7,149.

In July: *Orizaba*, 786; *Cortez*, 614; *Santa Cruz*, 800; *Oregon*, 745; *Brother Jonathan* (*Commodore*), 350; *Sierra Nevada*, 900; *Pacific*, 460; *Panama*, 128; *Ortolan*, 8; *Alert*, 86; *Frances Helen*, 13; *Golden State*, 25; *Jeannette*, 2; *Simon F. Blunt*, 32; *Giulietta*, 10; *Page*, 6; *Pontiac*, 1; *Queen of the Isles*, 12; *Rosalthia*, 1; *Reporter*, 1; *Long Island*, 5; *Susan Abigal*, 4; *Curaçoa*, 40; *Persevere*, 80; *Ellen H. Wood*, 8; *Quaddy Belle*, 10; *Lucy L. Hale*, 186; *Nahumkeag*, 60; *Jennie Ford*, 45; *Ellen Thomas*, 9; *Live Yankee*, 190; *E. F. Willets*, 250; *Carribean*, 350; *Leonidas*, 150; *Manuel Moutt*, 15; total, 6,278.

In August: *Santa Cruz*, 30; *Panama*, 49; *Ellenita*, 5; *Oracle*, 170; total, 254.<sup>37</sup>

The greatest crowd leaving San Francisco on any one day was one thousand, seven hundred and thirty-two persons. This occurred on July 3d, when the steamer *Santa Cruz*, the barques *Lucy L. Hale* and *Nahumkeag*, and the ships *E. F. Willets* and *Carribean* sailed. On July 10th, one thousand, four hundred and nine persons left the Bay City for Fraser River mines.

The enumeration given above only relates to the emigration through San Francisco. It may be added that these official figures are much smaller than the numbers which common report stated were being carried by the various vessels. For comparison, the following are given: On July 1st, the *Sierra Nevada* landed nineteen hundred; on July 8th the *Orizaba* and the *Cortez* together brought twenty-eight hundred.<sup>38</sup> We may safely conclude that every vessel

<sup>37</sup> Lewis and Dryden's *Marine History of Pacific Northwest*, pp. 69, 70.

<sup>38</sup> Mayne, *British Columbia, Vancouver Island*, p. 46.

was carrying without regard to coasting laws or safety, all who wished to embark.<sup>39</sup> How nearly the reported numbers approached the actual numbers can only be surmised. With the necessary allowance in this respect and with the addition of those who came from Oregon and Washington, from St. Paul, from Salt Lake City, and other western points, from the Hawaiian Islands and the various ports of Central and Southern America, it is perhaps fair to say that at least twenty-five thousand persons were borne into the two colonies on that impetuous tide.<sup>40</sup>

The scene in California is thus described: "The roads from the mountains were lined with foot-passengers on their way to San Francisco. Stage coaches came rolling into Sacramento, groaning under their living cargo of sturdy miners. The worm-eaten wharves of San Francisco trembled almost daily under the tread of the vast multitudes that gathered to see a northern steamer leave. With that reckless disregard of human life so characteristic of the American ship-owner, old hulks, which had long been known to be unseaworthy and rotten, were refitted for the new El Dorado. Engines, rusty from years of idleness, were polished up; leaky boilers were repatched—paint and putty filling gaping seams; and with names often changed, to hide their former reputations, steamer after steamer sailed from our port, loaded to the guards with freight, and black with the crowds who were rushing to the newly-discovered land of gold."<sup>41</sup>

As the Rev. R. C. Lundin Brown says: "In short, never in the history of the migrations of men has been seen such a 'rush,' so sudden and so vast."<sup>42</sup>

The fare from San Francisco by steamer was: First-class, \$65; steerage, \$32.50; by sailing vessels the rates varied from \$25 to \$60, according to the speed of the craft and her seaworthiness. As the detailed list already given shows, this great influx continued for months without abatement.

The newspapers eagerly sought for and published every scrap of information about the mines. The excited public avidly devoured every item. In April, the *Pioneer and Democrat*, a newspaper pub-

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<sup>39</sup> Overland Monthly, vol. 3, p. 524.

<sup>40</sup> *Victoria Gazette*, Nov. 20, 1858.

<sup>41</sup> Overland Monthly, vol. 3, p. 524.

<sup>42</sup> British Columbia Essay, p. 3.



lished in Olympia, Washington, stated that within a few months the Hudson's Bay Company had traded with the Indians one hundred and ten pounds of coarse gold procured from surface workings with crude implements. The same issue stated that between one hundred and fifty and two hundred miners were already at work on the Fraser, and that three men had obtained \$800 as the result of ten days' work.<sup>43</sup>

The early arrivals were not slow in sending out glowing accounts of the prospects. These were read even more greedily than the newspapers. The following are reproduced as samples:

"Fraser River Gold Mines,  
"April 29, 1858.

"FRIEND PLIMMER:

"We have arrived in these mines at last, after one of the hardest trips on record. I shall not attempt to give you a narrative of the difficulties and dangers of travelling on this river, as it would be impossible for me to do justice to it at present. It was next to impossible to get up when we came, and when the river rises to its full height no canoe or boat can possibly get up or down.

"We are now located thirty miles above the junction of the Fraser and Thompson Rivers, on Fraser River. The distances up are as follows: From the mouth of Fraser River to Fort Langley, thirty miles; from there to Fort Hope, sixty miles; from Fort Hope to Fort Yale, one day's travel; from Fort Yale to the Forks, eight days' travel, and from the Forks to where we are now, thirty miles; making in all about two hundred miles. About one-fourth of the canoes that attempt to come up are lost in the rapids, which extend from Fort Yale nearly to the Forks. A few days ago six men were drowned by their canoe being upset in attempting to go down. There is more danger in going down than in coming up. There can be no doubt about this country being immensely rich in gold. Almost every bar on the river from Fort Yale up will pay from \$3 to \$7 a day to the man, at the present stage of the water, and when the river gets low, which will be about next August, they will pay very well. One hundred and ninety-six dollars was taken out by one man last winter in a few hours, but the water was then at its lowest stage. The gold

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<sup>43</sup> April 9, 1858.

in the bars is all very fine and hard to save in a rocker, but with quicksilver properly managed, good wages can be made almost anywhere on the river as long as the bars are not actually covered with water. We have not been able to find a place yet where we can work anything but rockers; if we could get a sluice to work here we could make from \$12 to \$16 a day each. We only commenced work yesterday, and we are satisfied when we get fully under way we can make from \$5 to \$7 per day each. The prospect is better as we go up the river on the bars. The gold is not any coarser, but there is more of it. There are men at work here who have been thirty miles higher up and who say they made from \$10 to \$16 a day and that it can be made on high bars where the water will not trouble them until it obtains its highest point. There is also in that region diggings of coarser gold on small streams that empty into the main river; a few men have been there and proved the existence of rich diggings by bringing specimens back with them. The Indians all along the river from Fort Hope have a considerable quantity of gold in their possession that they say they dug themselves, but those above us will not point out the place where they get it, nor allow small parties of men to go up to look after it. I have seen pieces in their possession that weighed two pounds. The Indians on the river as far up as where we are have been very friendly, and I presume they will remain so, but those above us are disposed to be troublesome. We have been twenty miles above here on a bar which was paying \$15 a day, but the Indians went into a camp about a mile above us and forcibly took the provisions and arms from a party of four men and cut two of the party severely with their knives in the row. They came into our camp the same day and insisted that we should trade with them or leave their country. All the white men that were settled along the river in that section collected together, and, as the bar there was not large enough for us all to work on, all hands moved down here. This bar is large enough for a hundred men to work on all summer; there are now about forty men in it.

"We design at present to remain here until we can get one hundred men together, when we will move up above the Falls and do just about what we please without regard to the Indians. There can be no doubt about the existence of rich mines of coarse gold in many parts of this country, but there have not been men enough here yet to

even prospect it. We are at present the highest up of any party of white men on the river, and we must go higher to be satisfied. Five or six dollar diggings won't do while there is better in the country. I don't apprehend any danger from the Indians at present, but there will be hell to pay after a while.

"We are determined to remain here, if possible, until the river falls, when good diggings can be found anywhere. I would not advise anybody to come here until about the last of July, when I think they can get up the river without much difficulty. There is a pack trail from Fort Hope, but it cannot be travelled until the snow is off the mountains.

"The prices of provisions here are as follows: flour, \$35 per cwt.; pork, \$1 per lb.; beans, 50 cents per lb., and other things in proportion. Every party that starts from the Sound should have their own supplies to last them three or four months, and should bring the largest sized Chinook canoes, as small ones are very liable to swamp in the rapids. Each canoe should be provided with about thirty fathoms of strong line for towing over swift water, and every man well armed. The Indians here can beat anything alive stealing, and if they continue to improve in that art, they will soon be able to steal a man's food after he has eaten it. We have lost nothing so far but a little sugar, but others have suffered severely. We are all in good health and spirits and expect to make a raise here before we leave. We have all promised to write to different persons in Seattle, but this will have to do for all at present. Let everybody have a sight.

"Yours truly,

"FRANKLIN MATTHIAS."

"May 28, 1858.

"I am now on Fraser River, not far from Fort Yale, and am mining; and I suppose you have heard various reports from these mines. As far as I know, they are as good as I have ever seen. The river is very high now and rising fast, and we have to work on the highest bars, yet make from \$12 to \$50 to each rocker, so you may know what we can do when the river falls. We have sluices, also, although the gold is very fine and we lose much of it without quicksilver. Now, if you want to come here, I will say this—that this is the best mining region that I have ever yet seen; and I want you to tell

Wm. Bridge to come with goods if he wants to come, for everything commands a high price here, etc. Be sure and write to him and tell him to start by the first of July, or any time, as I presume he can come where we are at any time; and if he has anything for sale he can sell it here at almost his own terms; and tell all my friends in Portland the contents of this letter, etc. Tell them that we are now working entirely on the river bars, and go down from two inches to two feet and make \$8 to \$50—or I may say from \$6 to \$50; and if you come and don't find it as I say, I am here—take any revenge; but don't let any other reports prevent you if you start.

"Come, if you come at all, to Olympia; there purchase a good canoe, and get you some Indians and come right along, and you will find us eight miles from Fort Yale.

"S. ALLEN.

"To R. R. Rees, Portland, Oregon."

Each incoming vessel spoke of hundreds of adventurers chafing restlessly in San Francisco, anxiously awaiting an opportunity to obtain passage to the new gold fields. Lieutenant Mayne, speaking of this period, says: "That road, too, from Esquimalt to Victoria, about which so much has since been said, in and out of the Colonial Assembly, was changed with the rest almost beyond recognition. Only a few months before, we used to flounder through the mud without meeting a single soul; now it was covered with pedestrians toiling along, with the step and air of men whose minds are occupied with thoughts of business; crowded with well-laden carts and vans, with Wells Fargo's or Freeman's 'Expresses' and with strangers of every tongue and country, in every variety of attire. Day after day on they came to Victoria, on their way to the Fraser; the greater part of them with no property but the bundle they carried, and with 'dollars, dollars, dollars!' stamped on every face."<sup>44</sup>

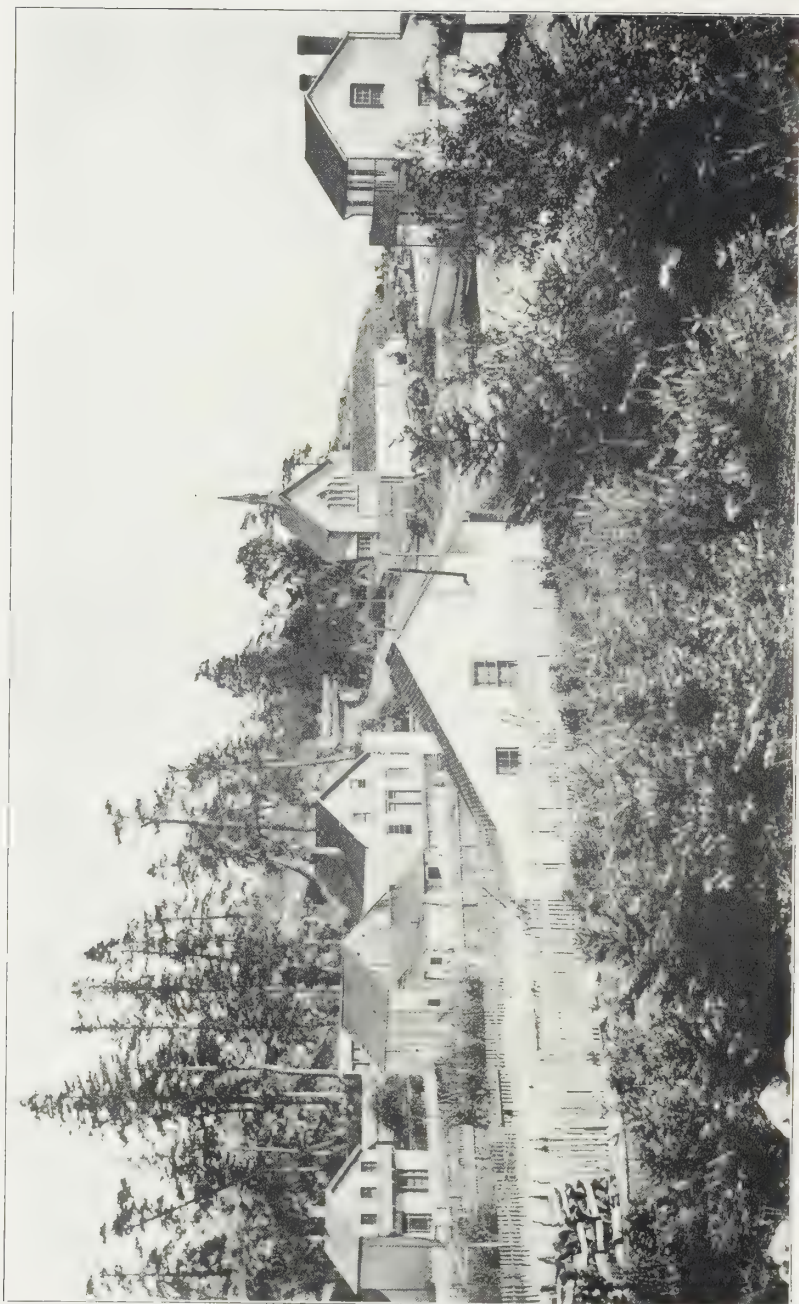
The majority of those who sailed from San Francisco debarked at Victoria, though some went on to ports on Puget Sound. Wherever they landed about two hundred miles lay between them and the mining region. The greatest of their difficulties were before them. There were no regular means of communication with the Fraser River, and they were compelled for the first two or three months

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<sup>44</sup> Mayne, *British Columbia and Vancouver Island*, p. 45.







ESQUIMALT TOWN, ABOUT 1867

to make their way as best they could, either by boats or canoes or some kind of sailing vessel, to its mouth. The treacherous waters of the Strait of Georgia took their toll. Many were never heard of after leaving Victoria. But nothing daunted them. They battled the fierce tide-rips and the sudden gales with grim determination. Even after they entered the river, troubles and dangers were their lot. The freshet-swollen stream opposed their advance. Speaking on this subject, in May, Governor Douglas said: "Many accidents have happened in the dangerous rapids of that river; a great number of canoes having been dashed to pieces and their cargoes swept away by the impetuous stream, while of the ill-fated adventurers who accompanied them, many have been swept into eternity."<sup>45</sup> Yet during the first week of June fifty canoes, containing an average of six persons, reached Fort Hope in safety.

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<sup>45</sup> Cornwallis' *New El Dorado*, p. 172.





## CHAPTER II

### GOVERNOR DOUGLAS AND THE MINERS—THE INDIAN TROUBLES, 1858—EARLY MINING

The mainland of British Columbia, into which this vast migration was entering, was unorganized territory known, in a vague way, as the Indian Territory, and sometimes, even more vaguely and perhaps wrongly, as New Caledonia. Under the license of 1838 the Hudson's Bay Company held the exclusive trade with the Indians. The courts of Upper Canada, by virtue of the Act of 1821 had jurisdiction over all causes, civil and criminal, arising in this region. It is true that that act provided for the trial by Justices of the Peace of petty offences and civil actions not exceeding £200; but this portion was inoperative, no such officials having been appointed. The miners knew but little of the geography of the land to which they were hastening, and even less of its condition as regarded trade and government.

Governor Douglas, as the head of the Hudson's Bay Company on the coast, fearful of its interests, viewed with feelings of alarm this great immigration. He saw clearly enough that a great gold country had been discovered and he realized that this meant death to the monopoly. Yet he tried to do something to save the situation. In May he placed his views before the Secretary of State for the Colonies, saying: "If the country be thrown open to indiscriminate immigration, the interests of the Empire may suffer from the introduction of a foreign population, whose sympathies may be decidedly anti-British. Taking that view of the question it assumes an alarming aspect, and suggests a doubt as to the policy of permitting the free entrance of foreigners into the British territory for residence without, in the first place, requiring them to take the oath of allegiance, and otherwise to give such security for their conduct as the Government of the country may deem it proper and necessary to

require at their hands.”<sup>46</sup> This is noteworthy. The Governor’s experience in connection with the Queen Charlotte Islands gold excitement had shown him that the Home Authorities would not sanction any attempt to exclude foreigners; and here is an attempt to pursue some middle course which, while allowing them to enter, would, at the same time, prevent their interference with the company’s interests. But Sir Edward Bulwer Lytton, in replying on July 1, 1858, to this suggestion, made it clear that the foremost country in the path of freedom and free trade would not tolerate such restrictions. He stated he was particularly anxious to impress upon Douglas that, “while Her Majesty’s Government are determined on preserving the rights, both of government and of commerce, which belong to this country, and while they have it in contemplation to furnish you with such a force as they may be able to detach for your assistance and support in the preservation of law and order, it is no part of their policy to exclude Americans and other foreigners from the gold fields. On the contrary, you are distinctly instructed to oppose no obstacle whatever to their resort thither for the purpose of digging in those fields, so long as they submit themselves, in common with the subjects of Her Majesty, to the recognition of Her authority, and conform to such rules of police as you may have thought proper to establish.”<sup>47</sup>

On the very day on which the Governor had written the letter above mentioned—May 8, 1858—he, for the expressed purpose of protecting the company’s monopoly of Indian trade, issued the following

#### PROCLAMATION

“By His Excellency, James Douglas, Governor and Commander-in-Chief of the Colony of Vancouver’s Island and Dependencies, and Vice-Admiral of the same, etc.

“WHEREAS, it is commonly reported that certain boats and other vessels have entered Fraser’s River for trade; and whereas, there is reason to apprehend that other persons are preparing and fitting out boats and vessels for the same purpose:

<sup>46</sup> Gold Discovery Papers, p. 13.

<sup>47</sup> *Id.*, p. 17.





EARLY VIEWS OF THE BIG CANYON OF THE FRASER



"Now, therefore, I have issued this, my Proclamation, warning all persons that such acts are contrary to law, and infringements upon the rights of the Hudson's Bay Company, who are legally entitled to the trade with Indians in the British Possessions on the northwest coast of America, to the exclusion of all other persons, whether British or Foreign.

"And, also, that after fourteen days from the date of this, my Proclamation, all ships, boats, and vessels, together with the goods laden on board found in Fraser's River, or in any of the bays, rivers, or creeks of the said British Possessions on the northwest coast of America, not having a license from the Hudson's Bay Company, and a sufferance from the proper officer of the Customs at Victoria, shall be liable to forfeiture, and will be seized and condemned according to law.

"Given under my hand and seal at Government House, Victoria, this eighth day of May in the year of our Lord, One Thousand eight hundred and fifty-eight, and in the twenty-first year of Her Majesty's reign.

"JAMES DOUGLAS,  
Governor.

"By His Excellency's Command,  
"RICHARD GOLLEDGE, *Secretary*."

GOD SAVE THE QUEEN!

Strangely enough, this proclamation was not sent forward with the despatch of the same date, nor was its preparation even hinted at, and yet, more strangely, it was not sent to England until May 19th. The Governor's letter of that date is even more illuminating as regards his attitude to the mining advance. "I am now convinced," he says, "that it is utterly impossible, through any means within our power to close the Gold Districts against the entrance of foreigners, as long as gold is found in abundance, in which case the country will soon be overrun and occupied by a large white population, whether it be agreeable to our wishes or not; while, on the contrary, it is no less certain that the excitement on the subject will soon altogether cease, if the diggings prove unremunerative, and the crowds now gathering on the banks of Fraser's River will

in that case soon abandon the country and return to their homes. The evil will thus work its own cure without interposition on our part.

"In the meantime, with the view of escaping the greater evil of compelling people to have recourse to expedients for entering the country by unlawful means, I am striving to legalize the entrance of gold miners into Fraser's River, on certain conditions, which at once assert the rights of the Crown, protect the interest of the Hudson's Bay Company, and are intended to draw the whole trade of the Gold Districts through Fraser's River to this Colony, which will obtain its supplies directly from the Mother Country."<sup>48</sup>

This is certainly, despite the last sentence, the language of one having an eye single to the interests of the company. Most assuredly it is not the language of a Governor having only in view the interests of the colony and the nation. The panacea hinted at above, for which Douglas had searched for months, he disclosed in the terms of a proposed arrangement with the United States Pacific Mail Steamship Company for placing steamers on a regular run from Victoria to Fort Hope and Fort Yale. Such an accommodation was much required and loudly called for. The diggings would thereby become easily accessible, and the delays and dangers of the strait and river be avoided. These terms show clearly that the chief factor of the company, and not the Governor of the colony, dictated them. They were:

"1st. That they should place steamers on the navigable route between this place [Victoria] and the Falls of Fraser's River, one hundred and thirty miles distant from its discharge into the Gulf of Georgia, for the transport of goods and passengers to that point.

"2d. That they should carry the Hudson's Bay Company's goods into Fraser's River, and no other.

"3d. That they carry no passengers except such as have taken out and paid for a gold mining license and permit from the Government of Vancouver Island.

"4th. That they pay to the Hudson's Bay Company, as compensation to them, at the rate of two dollars head money for each passenger carried into Fraser's River.

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<sup>48</sup> Papers relating to British Columbia, pt. I, p. II.

"5th. That they should otherwise be allowed to enjoy the whole of the profits on the river transport.

"6th. The arrangement to continue in force for one year from this date, and no longer."<sup>49</sup>

On June 5th, the American steamer *Surprise* accepted these terms; the *Sea Bird*, *Umatilla*, *Maria*, *Enterprise*, and others, all American bottoms, followed. The result of these regulations, coupled with those regarding mining, was that no person—miner, artisan, merchant or pleasure-seeker—could legally enter Fraser River District without paying in advance the sum of \$7, being 21s., or \$5 for one month's license fee, which went into the public revenue, and \$2 for head money, which went into the coffers of the company. To enforce these payments and obedience to the proclamation of May 8th against vessels entering Fraser River, H. M. S. *Satellite*, in command of Capt. James C. Prevost, one of the members of the Boundary Commission, was stationed at its mouth. Later in the summer the brig *Recovery*, which had been purchased from the Hudson's Bay Company, took the place of the *Satellite*.<sup>50</sup>

These exactions were a source of great annoyance to the miners, who strove in every way to avoid them. On July 21st, Mr. Isaac J. Stevens, the former Governor of Washington Territory, but then its delegate to Congress, brought them to the attention of the Secretary of State for the United States. One of the schemes to escape these payments was the building of a trail from Whatcom to Hope, to connect there with the brigade trail leading to the Thompson. Incidentally, this trail was a factor in the strife which arose between Victoria and the towns on Puget Sound, notably Whatcom, for the trade of Fraser River. In addressing a meeting at that place in August, 1858, Governor McMullin of Washington Territory alluded to this rivalry, expressed the hope that Americans would give the preference to American towns, and stated that the trail must be put through from Whatcom to the Thompson.<sup>51</sup> Its construction was earnestly pressed forward and rapidly completed. Mr. W. W. DeLacy, its surveyor and locator, announced on August 17th that it was finished and that it connected with the Fort Hope trail at the

<sup>49</sup> Douglas to Lytton, May 19, 1858; Id., p. 12.

<sup>50</sup> B. C. Papers, pt. 1, p. 24.

<sup>51</sup> *Victoria Gazette*, Aug. 4, 1858.

point marked "Blackeye's Portage" on Anderson's map.<sup>52</sup> A hundred guns pealing from the hill-top above Whatcom announced the gratifying intelligence.<sup>53</sup> In anticipation of this event and the monopoly of the trade of the Fraser River mines, which was confidently expected to result, the town of Whatcom experienced quite a boom. The mushroom town had all the appearance of San Francisco in 1848; houses were going up in every direction, steamers arriving and discharging freight and passengers, miners hastily preparing their packs and departing for the mines.<sup>54</sup>

A company of twenty-two men, who took this route, occupied eight weeks in making the trip, and this, coupled with the advent of river steamers at Yale, ended the much-vaunted Whatcom trail. Grass grew in Whatcom's streets.

As the proclamations and regulations above given show, the Governor at this time stood out for the extreme claims of the company—claims to the exclusive trade and navigation of the mainland territory. This position rendered him unpopular. The conditions were unique and demanded a broad statesmanship. But Douglas championed the cause of monopoly and did not rise to the occasion. On July 16th, however, Sir Edward Bulwer Lytton gave the death blow to this obstructive policy. His dispatch is so pointed, shows such an intelligent grasp of the situation, and such a clear understanding of the whole matter, that it is here reproduced. He said: "But I must distinctly warn you against using the power hereby intrusted to you in maintenance of the interests of the Hudson's Bay Company in the territory. The Company is entitled, under its existing license, to the exclusive trade with the Indians, and possesses no other right or privilege whatever. It is, therefore, contrary to law, and equally contrary to the distinct instructions which I have to convey to you, to exclude any class of persons from the territory, or to prevent any importations of goods into it, on the ground of apprehended interference with this monopoly—still more to make Governmental regulations subservient to the Revenues or interests of the Company. I am compelled, therefore, to disapprove, and to disallow, if still in force, the Proclamation of which your Despatch transmitted

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<sup>52</sup> *Northern Light*, Aug. 19, 1858.

<sup>53</sup> *Victoria Gazette*, Aug. 21, 1858.

<sup>54</sup> *Pioneer and Democrat*, May 7, 1858.







TOWN OF LILLOOET, 1903

a copy.<sup>55</sup> To fit out boats and vessels to enter Fraser's River for trade is no 'infringement of the rights of the Hudson's Bay Company,' as that Proclamation terms it. Such infringement only commences when any trading with the Indians is attempted; and no steps can rightfully be taken to put a stop to legal acts of this description, on the ground that they may be intended for ulterior purposes, infringing on private rights. For the same reason, to require a 'license from the Hudson's Bay Company' of persons landing in the territory is altogether unjustifiable.

"I am obliged, for the same reason, to disapprove of the terms you have proposed to the Pacific Mail Company. They ought not to be put under terms to 'carry the Company's goods and no other'; nor ought they to be prevented from carrying persons not furnished with a gold miner's license. Such license can properly be required of intending diggers on the ground, but not of persons merely seeking to land on the territory. Still less have the Hudson's Bay Company any right whatever to exact from passengers any fee or head money, by way, as you term it, of 'compensation'." <sup>56</sup>

In replying to these instructions, Douglas ingeniously suggested that as the Indians were the only inhabitants when the license was granted it was equivalent to a grant of the exclusive trade of the territory, and was, therefore, broad enough to include the trade with the whites when they arrived. Thus ended the endeavor of the Governor to secure to the Hudson's Bay Company the whole trade of the new mining country. The monopoly was clearly tottering to its fall.<sup>57</sup>

In the meantime, in spite of these obstructive regulations, miners swarmed into the Fraser River District, paying, with ill-grace, the exactions when escape therefrom was impossible. The rising waters of the river gradually covered the bars, and before the main body of the gold-seekers reached Fort Hope the river was at mid-freshet height. The space of mining ground was thus much contracted, and many of those who had risked their lives to reach it, finding this condition, returned in disgust, without striking a blow, and loud in their denunciations of the "Fraser River Humbug." Some of the

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<sup>55</sup> Ante, p. 26.

<sup>56</sup> B. C. Papers, pt. 1, p. 42.

<sup>57</sup> B. C. Papers, pt. 1, p. 36.

more industrious examined the country for dry diggings and quartz ledges, while others sat themselves down patiently to await the subsidence of the waters.

The *Surprise*, the pioneer vessel on the Fraser above Langley, reached Fort Hope on Sunday, June 7th. Shortly after came the *Seabird*, but on the downward trip on June 24th, the vessel grounded on Seabird Bar at the upper end of Maria Island, and was left on dry land by the receding waters. After an enforced stay of two months she was, however, raised; a set of ways was placed under her, and she was launched once more. Misfortune still pursued the *Seabird*; reaching Victoria on September 4th, she struck a rock in the harbour, but was floated without injury. On the return trip she caught fire and was burned to the water's edge, though the Captain succeeded in beaching her on Discovery Island.<sup>58</sup> The *Umatilla* was the first vessel to attempt the river above Fort Hope, reaching Fort Yale, on July 20th, after a five-hour trip from the former place.<sup>59</sup> The return voyage was made in fifty-one minutes. On every trip these steamers carried large numbers of miners, who either disbelieved the stories about the bars being submerged or had determined to be upon the ground to take advantage of the first fall of the water.

In June, Douglas visited the mining region to see the conditions for himself. At that time the diggings began at Murderer's Bar, some three miles below Hope. Such portions of the various bars as could be worked at that high stage of the water were found to increase in richness as the river was ascended, until Hill's Bar, about a mile and a half below Yale, was reached. The gold was being taken, practically from the surface, as owing to the freshet no excavation deeper than two feet could be made. Even under this unsatisfactory state of affairs Hill's Bar was in some instances producing \$50 per day per man. The gold found below Yale was in thin bright scales or minute particles, requiring for its advantageous working the use of quicksilver; while higher up, near Lillooet, for example, it was found in pieces frequently ranging from twenty-four grains to half an ounce in weight. As the miners ascended the river, finding the gold thus larger and coarser as they proceeded, the opinion

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<sup>58</sup> *Victoria Gazette*, Sept. 8, 1858.

<sup>59</sup> *Pioneer and Democrat*, July 30, 1858.



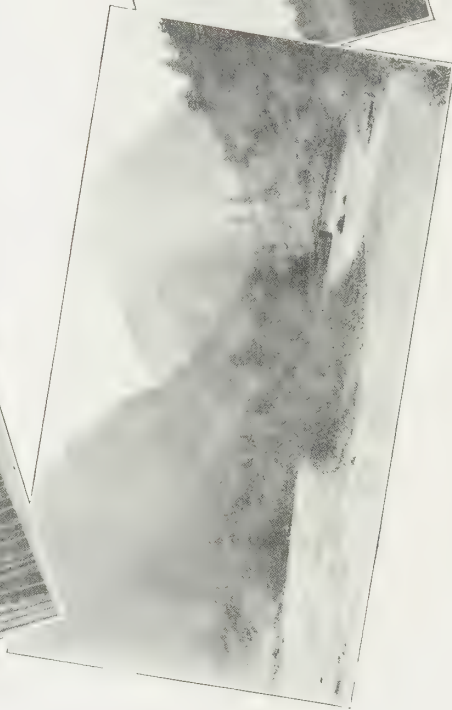




ADOBE HOUSE AT LILLOOET, SAID TO HAVE BEEN  
BUILT BY MEXICAN PACKERS, 1857  
SEXTON RIVER NEAR LILLOOET



FRASER RIVER NEAR ALEXANDRIA  
70-MILE HOUSE, CARIBOO ROAD



began to prevail that there existed a richer country beyond. Near Lillooet, from \$10 to \$30 per day were being obtained. At Mormon Bar, one rocker yielded, in eight days, \$830; a second rocker yielded, in twelve days, \$800; a third rocker yielded, in five days, \$248.<sup>60</sup>

From dry diggings on a bench thirty yards from the river, at the Fountain, sixty-four miles from Lytton, the average yield of five rockers between June 1st and 7th were: first rocker, \$42.12 per day; second rocker, \$55.58 per day; third rocker, \$37.69 per day; fourth rocker, \$46.58 per day; fifth rocker, \$54.51 per day.<sup>61</sup>

During June and July, despite the hostile conditions, some seven thousand, five hundred ounces of gold were exported; but this, of course, gives no idea of the amount actually won.

As a first step towards the preservation of law and order Douglas appointed, in June, 1858, Mr. Richard Hicks as Revenue Officer at Yale, George Perrier as Justice of the Peace at Hill's Bar, and O. Travaillot as Revenue Officer at Lytton.<sup>62</sup>

Late in July the miners in the vicinity of Yale, having leisure, owing to the conditions existing, working out the American idea of local "Miners Meetings," set themselves to law-making. The sale of liquor without license, and the sale of fire-arms to Indians were prohibited. As this course was without precedent in these British possessions, the document is given hereunder:<sup>63</sup>

"WHEREAS, it is the law of the English Government that all persons selling liquors shall procure a license for the sale of the same, the penalty for a non-compliance with the law being a fine of not less than £100, nor more than £300; and there being at present several persons selling liquors in violation of the law, thereby endangering the lives and property of the people of Fraser River, for the safety of the same we deem it expedient to adopt the following:

"*Resolved*, 1st. That we, the miners and residents of Fort Yale, prohibit the sale of liquors on or in the vicinity of this bar after this date.

"2d. For the better protection of life and property, we deem it expedient to destroy in our midst all liquors that may be found on or about the premises of any person.

<sup>60</sup> B. C. Papers, pt. 1, p. 19.

<sup>61</sup> B. C. Papers, pt. 1, p. 20.

<sup>62</sup> B. C. Papers, pt. 1, pp. 16, 17, 20.

<sup>63</sup> *Victoria Gazette*, Aug. 4, 1858.

"3d. That any one, after being duly notified, who shall be found selling liquors without a license, shall be seized and whipped with thirty-nine lashes on his bare back and be expelled from the vicinity.

"4th. That a standing committee of twelve be appointed to see the above resolutions carried into effect, until the Government sees fit to carry out its own laws. Said committee to be appointed from among the prominent residents of said bar.

"5th. That a copy of the above be forwarded to the *Victoria Gazette*, and also a copy posted at Fort Yale.

"6th. That any one found selling or disposing of fire-arms or ammunition to the Indians shall be dealt with according to Resolution No. 3."

The committee referred to in the 4th resolution was appointed. It consisted of Messrs. Johnston, Hussey, Hannel, Bateman, Shannon, Fields, Connelly, York, McRoberts, Ellard, Emerson, and Cushe. That the miners were in earnest clearly appeared a few days later when a body of them, headed by Donald Walker, the Hudson's Bay Company's agent, raided a place which had become notorious for supplying liquor to Indians and, in spite of resistance, effectually prevented a continuance of such conduct by broaching every cask and destroying the whole stock.<sup>64</sup>

#### THE INDIAN TROUBLES IN 1858

Early in August, difficulties with the Indians forced the miners above Yale to flee in terror to that place. Those who saved their lives were robbed of tools and provisions—a serious loss, indeed, at that time. A few unfortunately were unable to make their escape, and their bodies, in some instances, scalped, came floating down the raging river. The cause of the trouble was a combination of influences: the desire of the Indians to monopolize the mining, the successes of the Indians in the war in Washington then in progress, the arrogance of the miners, especially the American miners, who acted as though the Indian had no rights, and lastly the interference with the Indian women. The natives were reported to be obtaining fire-arms and fire-water from the Chinese. A rifle company of forty was organized by Captain Rouse and set out with packs on their backs on

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<sup>64</sup> *Victoria Gazette*, Aug. 10, 1858.



August 9th to force a passage to the Forks (Lytton). The details of the movements of this company are variously reported, but it appears that, reaching the Rancheria (Spuzzum), they engaged in a contest with the Indians in which some seven of the latter were killed; continuing in their work of destruction they burned three Indian villages and attacked the natives wherever they met them. The Indians were not all ill-disposed, and it was a case, as too frequently happens, of the punishment of the innocent with the guilty.

The storm centre was the Big Canyon. There a large body of savages congregated, taking possession of the points of vantage with the intention of barring the further advance of the whites. The trouble could scarcely have occurred at a more opportune time. The population of Yale, including the refugees, was in excess of three thousand, all waiting like owners of tickets in some great lottery for the drawing to commence. A meeting of nearly two thousand was held. A call for volunteers was issued, and one hundred and sixty-three responded. Opinions were divided as to the course to be pursued. Forty of the volunteers selected Graham as their commander, and determined to follow a policy of extermination; but the remainder, believing in conciliation and sufficient exhibition of force to obtain this end, placed themselves under H. M. Snyder as captain. In the fort was a case of rifles; at first Mr. Allard, the company's officer in charge, refused to supply these weapons, but as matters now assumed a more threatening attitude the miners demanded and obtained them. Captain Snyder induced the "war-to-the-knife" faction to lag behind to enable him to settle matters. Leaving Yale on August 18th with one hundred and twenty-three volunteers and provisions for five days, Captain Snyder made his course up the river. At Spuzzum reinforcements joined his party. At China Bar the party were surprised to find some five miners in a sort of a fortification. Amongst these persons was Edward Stout, one of the earliest of the pioneer miners. This party, which had originally consisted of some twenty persons, had been well to the forefront in the ascent of the river, had then advanced through the canyons to Lytton, and thence up the Thompson, prospecting and mining as they went. Warned of the hostile intentions of the natives, they had stealthily made their way down the river, avoiding the usual lines of travel, but, in spite of the utmost precautions, their movements were dis-

covered and they were harassed by a running fire.<sup>65</sup> Man by man was picked off by bullet or Indian arrow until but five were left, and of these scarcely one but bore wounds more or less severe.

The display of force had its effect. Treaties of peace and amity were concluded with all the chiefs between Yale and Lytton, including Spintlum, a noted Thompson River chief. The expedition under Snyder returned on August 25th, accompanied by five of the chiefs, having established peace on that portion of the river. Only two men were lost on the undertaking—Captain Graham and his lieutenant, the leaders of the extermination section, who were shot by the Indians at Long Bar for having trampled down a flag of truce.<sup>66</sup> With the news of the satisfactory adjustment of the trouble the miners streamed out of Yale to reoccupy their ground and be ready to take advantage of the expected fall of the waters.

Immediately upon learning of the trouble, Douglas prepared to go himself to the scene. Late in August, supported by a force of fifteen Royal Engineers from the Boundary Survey Service and twenty marines from H. M. S. *Satellite*, he set out for Hope. He arrived there on September 1st, a week after the reestablishment of peace. A salute was fired in his honor and every respect paid him by the miners. Finding that the use of liquor lay at the root of the matter, Douglas issued, on September 6th, a proclamation forbidding its sale to Indians under a penalty of not more than £20 and not less than £5, and announcing his determination to proceed vigorously against all offenders. He met the Indian chiefs and pacified them; he arranged for the survey and disposal of lots in Hope; he issued licenses for the sale of liquor; and he appointed peace officers: Robert T. Smith as Justice of the Peace and Revenue Officer, and W. H. Ladner as Chief Constable. Peter O'Reilly soon succeeded the former, and William Teague, and later Donald Chisholm, succeeded the latter.<sup>67</sup>

After about a week's stay he went on to Yale, taking two days to cover the distance, thus having an opportunity to meet the miners. He estimated that three thousand persons were engaged in mining in this section. At Hill's Bar he found a man who, with four assist-

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<sup>65</sup> *Daily Province*, March 29, 1913.

<sup>66</sup> *Victoria Gazette*, Aug. 21, 24, 25, 26; Sept. 1, 1858.

<sup>67</sup> B. C. Papers, pt. 2, pp. 3, 4.

ants, was taking out \$400 a day;<sup>68</sup> another was making \$32 per day out of ground already washed by the rocker to the depth of eighteen inches; elsewhere mining was, however, not so productive, ranging from \$7 to \$25 per day.

At Yale he followed the same process of organization as at Hope. He also addressed a public gathering, giving an outline of his instructions, his policy in regard to the disposition of land, and his determination to see that the law was obeyed by whites and natives alike. As a matter of even greater material interest, he reduced the price of flour from \$13 to \$10.50 a barrel, and other goods in proportion; and he assured the miners that the price of flour at Yale during the winter would not exceed \$11 per barrel.<sup>69</sup> His manly stand, his manifest desire to improve conditions, and his determination to maintain order made him much respected and even popular amongst the better class of the people.

On this trip, there being as yet no judge appointed for the mainland, and one William King being charged with murder of a man named Eaton, at Cross Bar, near the foot of the Big Canyon, Douglas appointed a commission to try the accused. The document is given hereunder. Its importance in the development of our institutions justifies its insertion in full.

“By His Excellency James Douglas, Governor and Commander-in-Chief of the Colony of Vancouver’s Island and its Dependencies, and Vice-Admiral of the same, etc.

“To all to whom these presents shall come, or whom the same may concern, greeting:

“Know ye, that by virtue of the power and authority in me vested, and reposing confidence in the loyalty, integrity, and ability of George Pearkes, Donald Fraser, and Robert T. Smith,

“I have appointed and do hereby appoint the said George Pearkes, Donald Fraser, and Robert T. Smith to be Commissioners constituting a Criminal Court for the trial of William King, upon any charge, information, or indictment, now found, or that may hereafter be found against him, by any judicial officer, or grand jury of Fraser’s River District.

<sup>68</sup> B. C. Papers, pt. 2, p. 5.

<sup>69</sup> *Victoria Gazette*, Sept. 22-28, 1858.

"To have and to exercise all the powers necessary for such trial, and to pass and enforce sentence upon conviction of him, the said William King, according to law.

"And this shall be your commission and warrant, for whatsoever you, the said Commissioners constituting said Criminal Court, shall lawfully do in the arraignment, trial, conviction of the said William King and in the execution of any sentence by you pronounced.

"Given under my hand and seal at Fort Hope, in the District of Fraser's River, this ninth day of September, in the year of our Lord, one thousand eight hundred and fifty-eight, and in the twenty-second year of Her Majesty's reign,

"JAMES DOUGLAS,  
"Governor." <sup>70</sup>

The trial resulted in the conviction of the accused for manslaughter. He was sentenced to transportation for life, but escaped from the gaol in Victoria and was never recaptured.<sup>71</sup> The absolute illegality of this first murder trial on the mainland will clearly appear in dealing with the legal formation of the colony of British Columbia and the appointment of the Governor.

Capt. P. B. Whannell, of the Victoria Yeomanry Cavalry in Australia, and late of the Nigarris Cavalry in the East Indies, was, later, appointed Resident Magistrate or Justice of the Peace at Fort Yale. This action was taken because of complaints against Mr. Richard Hicks's official conduct, and he was thus relieved of a portion of his duties for which he was clearly unfitted.<sup>72</sup>

In August the long-looked for fall of the river commenced; between the 5th and the 12th it fell four feet and a half at Yale. But hope was doomed to disappointment; again the waters rose, and a further period of enforced delay occurred. The river was struggling desperately to retain its wealth. About the end of August the real fall began. In a few days two hundred men were at work on Fort Yale Bar, and four hundred on Hill's Bar. Like peaks above the deluge, the bars began to appear with the gradual reces-

<sup>70</sup> B. C. Papers, pt. 2, p. 7.

<sup>71</sup> *Victoria Gazette*, Nov. 6, 1858.

<sup>72</sup> *Victoria Gazette*, Oct. 30, 1858; Nov. 6, 1858.



sion and were greedily seized upon by the waiting hundreds. Miners were now scattered all along the river from Fort Langley to Pavilion Creek, the northerly boundary of the Couteau country, a distance of about two hundred miles. The mining was still almost entirely bar mining. These bars were merely the exposed river bottom—sandy flats occurring in the river bends. For ages the Fraser rushing madly along had torn away the gold-bearing rock, crushed it in its natural arrastre, and deposited the gold with its accompanying metallic sand in the eddies in these bends. Almost numberless, their very locations now, in many—in fact, most—cases forgotten, it is nearly impossible to compile a complete list of them. The following enumeration is the result of much research and many conversations with the pioneers, and it is believed to be, especially as regards the lower portion of the river, as accurate as can be made at the present time. Fargo's Bar, a mile above Sumas village, was the lowest bar in which gold in paying quantities was found. Next came Maria Bar, near Harrison River. Then followed, in order, Seabird, Prospect, Bluenose, Hudson, Murderer's or Cornish, three miles below, and Posey, one and a half miles below Fort Hope. Between Fort Hope and Fort Yale, a distance of about thirteen miles, the bars lay somewhat in the following sequence: Mosquito, or Poverty; Fifty Four Forty; Union, two and a half miles above Fort Hope and on the left bank; Canadian; Santa Clara, near, and Trafalgar, opposite, the Sisters rocks; Deadwood; Express; Kennedy; American, about four miles above Fort Hope and on the right bank; Puget Sound; Victoria; Yankee Doodle; Eagle; Alfred; Sacramento; French, on the left bank one mile below Strawberry Island; Texas Bar and Strawberry Island, seven miles from Fort Hope; Hunter; Emory, four miles from Fort Yale; Rocky; Trinity; Ohio Bar, a quarter of a mile below Hill's Bar but on the opposite or right bank; Hill's Bar, about two miles below Fort Yale on the left bank, the earliest-worked, longest-worked, largest, and best-paying bar on the Fraser; Casey; and Fort Yale Bar. Above Fort Yale they were: New York Bar, at Lady Franklin rock; Rose's Bar, about a mile and a half beyond; Macrae's Bar, half a mile above Siwash Creek; another Victoria Bar at the exit from the Little Canyon; Pike's riffle, six miles above Fort Yale; Sailor Bar, about a mile above Pike's riffle and on the opposite or right bank; McKeen's Bar, seven miles from

Fort Yale; Surprise, and Washington; Wellington Bar, one mile above Sailor Bar; Madison; Davis Bar, nine miles above Fort Yale; Foggarty's Bar, on the left bank; Spuzzum Bar, on the opposite side; Humbug; Dutchman, a little below the site of the suspension bridge; Chapman's Bar, a mile above that spot; Steamboat, half a mile further; Cross Bar or Short Bend, at the foot of the Big Canyon; Clark's riffle, on the right or west bank; Swan's Bar; Nicaragua Bar, about eight miles below the mouth of Anderson River, on the east side; Tehama; another Rocky Bar, on the eastern side about a mile above the present Camp Sixteen on the Canadian Pacific Railway; Skuzzick Bar, at the mouth of the creek of that name; China Bar, a short distance above Rocky Bar; Boston Bar, at the mouth of Anderson River; Island Bar, immediately opposite; Yankee Flat, the site of the present North Bend; Rough's Flat, just across the river; Reid's Point, a mile and a half above Yankee Flat; Angel's Flat, on the east side, at the mouth of Ten Mile Creek; another Fargo Bar, a mile further; Salmon River Bar, at the mouth of that stream; Boothroyd's Flat, on the opposite side; another Murderer's Bar; Murriner's Bar, above Keefer's on the eastern side; Kanaka Bar, at Jackass Mountain; Cisco Bar, near the present cantilever bridge; Siwash Bar, about ten miles below Lytton; New Brunswick Bar; Rancheria Bar, at Lytton. Above Lytton were: China Flat, three miles, and Lower Mormon Bar, six miles from Lytton; then Rose, Foster, Robinson, Horse Beef, and French, near Bridge River; the Fountain, near Lillooet; Brady's, seven miles beyond; Haskell's, eleven miles from Brady's; and Big Bar, sixteen miles beyond Haskell's—all on the right bank. Above Bridge River on the right bank were: McMillan's, three miles; Upper Mormon Bar, five miles; Day's Bar, six miles; Strangler's Bar, twenty miles; and Dancing Bill's Bar, thirty miles respectively beyond that point. On the lower Fraser gold was first discovered on Hill's Bar, Union and Emory were next, and then Chapman's and Boston.

With the recession of the water these bars became the scenes of great activity. Although in the painful interval of waiting—June to September—thousands had left the country and, notwithstanding that the size of a claim was but twenty-five feet square, the bars below the canyon were overcrowded. There was no bed-rock in these sands, but there was, nevertheless, a recognized pay stratum,

clearly defined and differing in color from the worthless sand of the bar. This auriferous deposit was sometimes situated a few inches below the surface, at other places it was two feet or even more. It also varied in thickness. On Hill's Bar, it was claimed to have been six feet thick and sixty feet wide, extending the whole length of the bar, a distance of fully half a mile, and yielding on the average 50 cents a pan. As an instance of the richness of this bar, it is recorded that Mr. Winston and two partners took out forty-six pounds of gold dust between December, 1858, and April, 1859. Frequently they obtained fifty ounces in a day and sometimes, when the sluices were running day and night, seventy to eighty ounces in the same time.<sup>72a</sup>

In September, Alfred Waddington counted eight hundred rockers at work between Fort Hope and Fort Yale. In November, Douglas reported that there were over ten thousand persons engaged in mining, of whom one-half were between Murderer's Bar and Fort Yale. This did not, by any means, indicate that the bars in that locality were the richest; but that access to the diggings above the canyons was so difficult, the supply of food so precarious, and its price so high that all but the most resolute and adventurous were deterred. It is impossible to enter into the details of the output of the various bars. The total for the six months—June to December, 1858—was \$520,353. Hill's Bar was admitted on all sides to be the richest, and, besides being the first discovered in the advance of 1858, was the longest mined. The other bars, it may be said in a general way, varied in productiveness from those which barely paid meagre wages to those that produced three and four ounces per man per day. Rockers, at best a slow and primitive method of gold extraction, were soon superseded by sluicing, necessitating combination of labor or investment of capital. Bar diggings also gave place to bench diggings, of which, in 1858, the principal were the Bond and the George Dry Diggings in the neighborhood of Yale, the Hovey, below the confluence of Bridge River and Fountain Dry Diggings, near the Fountain, one of the most celebrated spots on Fraser River in that year. The great desire was to reach the richer lands beyond the canyons, for no one doubted the theory that rich diggings lay inland. Late in 1858 numerous canoes set out from

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<sup>72a</sup> *Inland Sentinel* Feb. 17, 1881, from *British Colonist*, April, 1859.

Yale and, in many instances, the water being low and the current less rapid, made their way to Lytton; but the difficulties were so great, the time occupied so long, and the dangers so many, that the absolute necessity for a practicable trail was clearly demonstrated.



## CHAPTER III

### LAYING THE FOUNDATIONS

The license of exclusive trade with the Indians, granted in 1821, and renewed in 1838 for a further period of twenty-one years, would expire on May 30, 1859. The company, alive to its interests, began, some three or four years before that time, to enquire what course the Government intended to pursue in reference to a further renewal, urging strongly the necessity for an early decision. The ministry determined to place the question before Parliament. At the request of Mr. Labouchère, the Secretary of State for the Colonies, a Select Committee was appointed on February 4, 1857, to consider the state of those British possessions in North America which were under the administration of the Hudson's Bay Company, or over which they possessed a license to trade.

In the discussion of the motion for the committee the feeling was clearly shown that the time had come to strengthen British interests in North America, and that all portions of the territory suitable for colonization must be removed from the grasp of monopoly and opened to settlement.<sup>73</sup> Both in England and in Canada grave apprehension existed that unless this course were pursued the territory might cease to be British. Doubtless those who entertained these opinions (and they were many, including prominent men like Mr. Roebuck, Mr. Gladstone, Mr. Adderley, and Chief Justice Draper), remembered the great American immigrations into the disputed Oregon Territory in 1842-5, and the weight that fact had upon the stand taken by the United States in the later stages of the discussion and upon the ultimate settlement.<sup>74</sup>

The committee originally appointed consisted of Mr. Labouchère, Sir John Pakington, Lord John Russell, Mr. Gladstone,

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<sup>73</sup> Hansard Parliamentary Debates, 3rd Series, cxliv, 219-41, cxlv, 97; Bancroft, B. C., pp. 377-80.

<sup>74</sup> Hudson Bay Report, 1857, pp. 212, 213, 216, 222.

Lord Stanley, Mr. Roebuck, Mr. Edward Ellice, Mr. Adderley, Mr. Lowe, Viscount Sandon, Mr. Grogan, Mr. Kinnaird, Mr. Gregson, Mr. Blackburn, Mr. Charles Fitzwilliam, Mr. Gordon, Mr. Gurney, Mr. Percy Herbert, and Mr. Bell. This committee sat from February 18th to March 9th, when its proceedings were interrupted by the prorogation of Parliament and its dissolution. In the general election Mr. Bell and Mr. Gordon were defeated, and on the reassembling of Parliament in May, 1857, the committee was reconstituted, Mr. Matheson, a large stockholder in the Hudson's Bay Company, and Lord Goderich, whose views were doubtful, taking the places of these defeated members, and Mr. Adderley, himself an opponent of the company, chivalrously resigning to enable an even more prominent opponent—Mr. Christy—to have a seat on it.<sup>75</sup>

When the ministry, though favorable to the company, had decided upon this enquiry, the fact was communicated to the Governor-General of Canada. Chief Justice Draper, of Upper Canada, was instructed, on behalf of Canada, to proceed to England and watch the proceedings. The reconstituted committee took up the work at the point where it had been dropped, and the examination of witnesses continued until June 23rd. Including those examined before the dissolution, twenty-four persons gave evidence. Prominent therein were Sir George Simpson, the Governor-in-chief of the company's territories, Sir George Back, and Sir John Richardson, the explorers, the Bishop of Rupert's Land, Chief Justice Draper, Richard Blanshard, the first Governor of Vancouver Island, Edward Ellice, "the old bear," a director of the company and a member of the committee, and Mr. James Cooper, a former resident of Vancouver Island.

The company exerted itself strenuously to defend its interests. The composition of the committee is eloquent as to its success at the outset. A director and a large stockholder having positions on a Parliamentary Committee investigating the conduct of their company is certainly an unusual condition. The influence of Mr. Ellice—director, committee member, and witness—did much to guide the decision.<sup>76</sup> A curious illustration of the policy adopted by the

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<sup>75</sup> The Hudson Bay Question, 1857, p. 3.

<sup>76</sup> Hudson Bay Co. Report, 1857, pp. 48, 76, 77.

company will be found in the contrast between the glowing descriptions of the lands under their sway, given by Sir George Simpson in his "Narrative of a Journey Round the World," and his evidence before the committee.<sup>77</sup> The range of the testimony before the committee was very wide, territorially and materially, covering facts, opinions, and suggestions. The result of their labors is a large folio volume, a perfect mine of information. A great diversity existed amongst the witnesses. With regard to this province the evidence of ex-Governor Blanshard and of James Cooper, who was one of the members of the Provisional Council and later of the Legislative Councillors, threw a flood of light on conditions on Vancouver Island and gave some insight into the general state of affairs west of the Rockies. Edward Ellice, as was to be expected, combatted their views.<sup>78</sup> He cast the blame of the failure of the colonial experiment on Vancouver Island from the shoulders of the company, where it rightly belonged, upon those of the Imperial Government. He declared that the sooner the Crown repossessed itself of the Island the better; that the company had spent £80,000 in sending out colonists; and that its whole capital would be sunk in this unprofitable undertaking.<sup>79</sup> The company was willing to end its attempted colonization on being repaid its outlay; and, while he thought that any government on the Island should be extended over the mainland, he was careful to insist that this would not be inconsistent with the license of exclusive trade with the Indians.

The committee met with closed doors to consider the evidence. Here, also, a great diversity of opinion became at once evident. Three reports were offered; one by Secretary Labouchère; another by Mr. Christy; and a third by Mr. Gladstone.<sup>80</sup> The latter took the plain stand that country capable of colonization should be removed from the control of the company, but such as was incapable thereof should remain within that control. His resolutions were defeated by the casting vote of the chairman. The report ultimately adopted on July 31, 1857, after four meetings for discussion, was a harmless and colorless affair—the combination, to a certain extent,

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<sup>77</sup> McCarthy, *History of Our Own Times*, chap. LV; *Op. Cit.*, chaps. 1, 2.

<sup>78</sup> Hudson Bay Co. Report, 1857, 285-97, 190-210.

<sup>79</sup> Hudson Bay Co. Report, 1857, pp. 333-6.

<sup>80</sup> Hudson Bay Co. Report, p. xiv.

of those proposed by Secretary Labouchère and Mr. Christy. The portion relating to this province is the most definite.

"10. Your committee are of opinion that it will be proper to terminate the connection of the Hudson's Bay Company with Vancouver Island as soon as it can conveniently be done, as the best means of favoring the development of the great natural advantages of that important colony. Means should also be provided for the ultimate extension of the colony over any portion of the adjoining continent to the west of the Rocky Mountains on which permanent settlement may be found to be practicable."<sup>81</sup>

The committee recommended the continuance of the existing right of exclusive trade with the natives west of the Rockies, except in so far as limited by the above resolution.<sup>82</sup> Edward Ellice had carried the day. The company, fully posted and far-seeing, might well be satisfied. A colony on the Pacific seaboard, separated by thousands of miles from the nearest British settlement and debarred by a high tariff wall from finding a market for its products in the adjacent American territory, could be but a travesty. It would offer no attractions to immigrants. It must remain a mere hunting ground monopolized by the company under its license of trade. Considering matters in this light, the company was satisfied. But this view took not into consideration the powerful lure of the gold. The end of the monopoly was at hand. It was to come not by virtue of a Parliamentary inquiry, but by the advent of Californian miners. The influence of Edward Ellice might paralyze the hand of Parliament, but was powerless against the pick and shovel of resolute adventurers.

It has already been shown that in issuing the Proclamation of December 28, 1857, declaring the right of the Crown to gold in its natural place of deposit, and forbidding all persons to mine therefor without license, Douglas was exceeding his jurisdiction.<sup>83</sup> He was not Governor of the mainland, and as the representative of the Hudson's Bay Company, which on the mainland had only the license of exclusive trade, he had no authority to enunciate the rights of the Crown or the terms on which mining licenses would be issued. His

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<sup>81</sup> Hudson Bay Co. Report, 1857, p. iv.

<sup>82</sup> Id.

<sup>83</sup> Ante, p. 13.



despatch accompanying the document admits its illegality.<sup>84</sup> The situation was clear to Sir E. B. Lytton, the new Secretary of State for the Colonies, who on July 16, 1858, in acknowledging its receipt, says: "In strict law, your commission extends to Vancouver Island only; but you are authorized, under the necessity of the case, to take such measures, not inconsistent with the general rights of British subjects and others within Her Majesty's dominions, as that necessity may justify."<sup>85</sup> Not this proclamation alone, but all the other proclamations and all the appointments, agreements, and mining regulations issued and made by Douglas, and all acts done by him in connection with the government of the mainland prior to November 19, 1858, were invalid; for it is plain that the authority purporting to be given to him, so to act, by the above-mentioned despatch, was insufficient for that purpose. As Lytton himself admitted: "In point of fact, the Governor had no legal power to issue the proclamation, or cause it to be respected, he having no commission as Governor on the mainland."<sup>86</sup> It will be observed, too, that in the Proclamation of December 28, 1857, above referred to, in the Proclamation of September 6, 1858, against the sale of liquor to Indians, and in that of September 15, 1858, warning the public that no Crown lands on the mainland had been disposed of, Douglas did not purport to act as the Governor of the mainland. On the contrary, all these proclamations are by "His Excellency, James Douglas, Governor of Vancouver Island and its Dependencies, Commander-in-Chief and Vice-Admiral of the same, etc." It is, perhaps, scarcely necessary to add that the colony of Vancouver Island had no dependencies attached to it.

The very full reports which Douglas forwarded to Downing Street, placed before the authorities an accurate view of existing conditions and enabled them to forecast the probable lines of future development. Fortunately, Sir E. B. Lytton was at the head of the Colonial Department. With the eye of genius he pierced the veil, "saw the vision of the world, and all the wonder that would be." As Justin McCarthy says: "He seemed resolved to prove, by active and original work, that he could be a practical colonial statesman as well as a novelist, a playwright, and a Parliamentary ora-

<sup>84</sup> Gold Discovery Papers, p. 8.

<sup>85</sup> B. C. Papers, pt. 1, p. 42.

<sup>86</sup> Lytton's Speeches, vol. 2, p. 80.

tor.”<sup>87</sup> Lytton realized to the fullest extent the necessity of securing that the promising territory on the mainland to which a heterogeneous horde was rushing should be immediately organized, and thereby the restraints of law and order be placed upon the fierce passions which spring from the lust of gold.<sup>88</sup>

To this end he introduced, on July 8, 1858, into the House of Commons, a bill to provide for the government of New Caledonia. In so doing he traced the history of the discovery of gold, and dwelt upon the necessity of some organized government being established “amidst a motley inundation of immigrant diggers, of whose antecedents we are wholly ignorant, and of whom perhaps few, if any, have any intention to become resident colonists and British subjects.”<sup>89</sup> He pointed out that for this reason it was impossible to establish self-government, and that it was desirable that until some stable population existed the Governor should be the law-maker, but with power to establish responsible government should the necessary elements appear. The act was to expire in 1863. In this connection he stated: “But, happily, in that new world the true sense of the common interest is rapidly conceived and the capacities of self-government no less rapidly developed. And probably even before the end of the five years, to which I propose to limit the operation of this act, the material for a popular representation may be found, and the future destinies of this new-born settlement boldly intrusted to the vigorous movement of liberal institutions.”<sup>90</sup>

His concluding remarks, after pointing out the small amount of the gold production, are worthy of presentation. Read in the light of fifty years’ development they reach the highest standard of prophecy. “More rational, if less exciting, hopes of the importance of the colony rest upon its other resources, which I have described, and upon the influence of its magnificent situation on the ripening grandeur of British North America. I do believe that the day will come, and that many now present will live to see it, when, a portion, at least, of the lands on the other side of the Rocky Mountains being also brought into colonization and guarded by free institutions, one direct line of railway communication will unite the Pacific to the

<sup>87</sup> History of Our Own Times, chap. 39.

<sup>88</sup> Lytton’s Speeches, vol. 2, p. 85.

<sup>89</sup> Id., vol. 2, p. 82.

<sup>90</sup> Id., vol. 2, pp. 85, 86.

Atlantic. Be that as it may, of one thing I am sure—that though at present it is the desire of gold which attracts to this colony its eager and impetuous founders, still, if it be reserved, as I hope, to add a permanent and flourishing race to the great family of nations, it must be, not by the gold which the diggers may bring to light, but by the more gradual process of patient industry in the culture of the soil, and in the exchange of commerce; it must be by the respect for the equal laws which secure to every man the power to retain what he may honestly acquire; it must be in the exercise of those social virtues by which the fierce impulse of force is tamed into habitual energy, and avarice itself, amidst the strife of competition, finds its objects best realized by steadfast emulation and prudent thrift.”<sup>91</sup>

The name of the new colony, British Columbia, was selected by Queen Victoria herself, while the bill was passing through Parliament. In the speech from which the above extracts are taken, Lytton constantly refers to the mainland as New Caledonia, and this was the name proposed in the bill as introduced. The reason for the change will appear from the following letter:

“Osborne, July 24, 1858.

“The Queen has received Sir E. Bulwer Lytton’s letter. If the name of New Caledonia is objected to as being already borne by another colony or island claimed by the French, it may be better to give the new colony west of the Rocky Mountains another name. New Hanover, New Cornwall, and New Georgia appear from the maps to be the names of subdivisions of that country, but do not appear on all maps. The only name which is given to the whole territory in every map the Queen has consulted is ‘Columbia,’ but as there exists also a Columbia in South America, and the citizens of the United States call their country also Columbia, at least in poetry, ‘British Columbia,’ might be, in the Queen’s opinion, the best name.”

By this act, which came into force August 2, 1858, the boundaries of British Columbia were the United States on the south, the Rocky Mountains on the east, the Finlay branch of the Peace River and the

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<sup>91</sup> Lytton’s Speeches, vol. 2, p. 87.  
Vol. II—4

Nass River (therein called Simpson's River) on the north, and the Pacific Ocean on the west, including Queen Charlotte Islands and all the other islands along the coast line except Vancouver Island. The Governor was empowered to make laws for the government of the colony, with a provision for the establishment of a Local Legislature when circumstances should justify it. After the proclamation of the act in British Columbia, the old acts, giving the courts of Upper Canada jurisdiction over actions and prosecutions arising within the Indian Territory, were to be repealed so far as affected the new colony.<sup>92</sup> Vancouver Island was to remain a separate colony, but it could be incorporated with British Columbia by passing a resolution of its two Houses, approved by the Queen. The act was to continue in force until the end of the session of Parliament after December 31, 1862.

Sir E. B. Lytton now commenced to lay the foundations of the colony. Even before the passage of the act he had informed Douglas of his intention to appoint him Governor, provided he would sever his connection with the Hudson's Bay Company and its off-shoot, the Puget Sound Agricultural Company. In a series of remarkable despatches during July and August the Colonial Secretary enunciated the principles to be applied.<sup>93</sup> The colony must be self-supporting. The tax upon mining Lytton did not look upon with favor, having in view its trial in Australia. He suggested that it might be replaced by an export duty on gold; and pointed out that if continued the tax must be equal, and that it must be made plain that it was levied, not in regard to any supposed rights of the Hudson's Bay Company, but in virtue of Royal Prerogative alone. In this connection he accented the instructions already given defining the real rights of that company under its license to trade, and intimated his intention of revoking that license. Moderate duties on beer, wine, and other articles usually subject to taxation he considered the better means of raising a revenue. The disposal of public lands was indicated as a further means of obtaining funds. While believing that agricultural land ought to have a relatively high upset price, he recognized that the price prevailing in the adjoining American territory must be a great factor in arriving at a conclusion. Land for

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<sup>92</sup> 43 Geo. III, c. 138; 1 and 2 Geo. IV, c. 66.

<sup>93</sup> B. C. Papers, pt. 1, pp. 44-76.



settlement should be opened gradually and mere land-jobbing prevented as much as possible. All peaceful settlers must be attracted without regard to nationality, and naturalization of desirable foreigners made easy.<sup>94</sup> The greatest care must be taken to prevent even the suspicion of favour to the servants of the Hudson's Bay Company in the sales of land, and every precaution, which not only impartial probity but deliberate prudence could suggest, must be used so that no handle might be given, not alone for such a charge, but even for one of apathy or indifference to any kind of land-jobbing. The Colonial Secretary pointed out that the preservation of order, the construction of public works to open up the country, the surveying of townsites and agricultural lands, and the payment of the necessary officers were the important objects to which the revenue should be devoted. He especially enjoined that the natives be treated firmly, but humanely, and that the confidence and goodwill of the immigrants be obtained. The Governor was instructed to work along the line of local self-government, and was reminded that the extraordinary power of law-making confided to him was a mere temporary measure, necessitated by the unique conditions. Popular institutions should be established with as little delay as possible, and in the meantime some kind of temporary council should be formed by calling in such persons as the miners themselves had confidence in. And finally Lytton asked that full information regarding the resources and natural wealth of the colony be sent him.

Considering it of great importance to the general social welfare and dignity of the colony that gentlemen from England should be encouraged to throw in their lot with the new colony,<sup>95</sup> Lytton selected Mr. Wymond O. Hamley as Collector of Customs, Mr. Chartres Brew, of the Irish Constabulary, who had served with distinction in the Crimea, as Inspector of Police, and Mr. Matthew Baillie Begbie as Judge.<sup>96</sup> In order to avoid any suggestion of undue favour to the servants of the Hudson's Bay Company, he suggested that the Governor should inform him of the situations he wished filled, and arrangements would be made to make careful selections in England. A detachment of the Royal Engineers would be sent to

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<sup>94</sup> Despatch, Aug. 14, 1858; *Id.* p. 50.

<sup>95</sup> B. C. Papers, pt. 1, p. 66.

<sup>96</sup> *Victoria Gazette*, Nov. 9, 1858.

preserve order and aid in the exploration and development of the country. But Lytton never failed to remind the Governor that the colony must meet the expenses unaided. Replying on one occasion, Douglas used the following language: "I shall not fail to attend most carefully to those instructions, without, however, entertaining much hope of being immediately able to meet the expense of the military establishments of the country, or of roads, surveys, public buildings, and other indispensable outlay, which must be incurred before the country can possibly become a fruitful source of revenue; like a nursling it must, for a time, be fed and clothed; yet I trust it will, before many years, reimburse the outlay and repay the kind care of the Mother Country with interest."<sup>97</sup> The Governor understood what the Secretary did not, that the command to be self-supporting from the outset was a modern edition of Pharaoh's order to the Israelites.

Lytton's feelings in regard to his work in launching the colony are shown in his speech to the electors of Hertford in September, 1861. "That colony, with its neighbor, Vancouver, taken from the Hudson's Bay Company, gives to England her only possession on the Pacific Ocean. But that possession is the key to the Pacific, and had I been still in office, long before this, I venture to think, one line of British settlements would have sprung up to connect the Pacific with the Atlantic. Quietly, inoffensively, with no alarm to Europe, no threat to the civilized laws of nations, England has thus annexed from the wilderness, annexed to her Crown, a country larger than England itself, and which, before a quarter of a century is over, will add millions to our national industry in support of the profits of agriculture, the wages of labour, and the interchange of commerce. I am not out of place in thus alluding to that act in my own special administration of which I am most proud \* \* \* ; and if in future generations my name should be remembered in connection with the commencement of a colony destined, I believe, to be the wealthiest of all that now speak our language, it will be as the representative of this county of Hertford \* \* \* ." <sup>98</sup>

The Governor's salary was mentioned by Lytton as £1,000 per

<sup>97</sup> B. C. Papers, pt. 2, p. 21.

<sup>98</sup> *British Columbian*, Dec. 19, 1861.





FORT LANGLEY AS IT IS TODAY



The site of "Kootenae House" built by David Thompson in July, 1807, located at west side of Columbia River one mile north of and below Windermere Lake and one quarter of a mile from mouth of Toby Creek. The piles of rock indicate chimney bottoms and the Indian is Michel Pete, a Kootenay, whose mother, aged nearly 80 years, identified the spot for him without reference to either map or books. This photograph taken in August, 1912, by T. C. Elliott, F. W. Howay, and H. Ries.



SITE OF THIRD FORT AT KAMLOOPS, ORIGINAL BUILDINGS STILL STANDING



annum, to be paid out of a Parliamentary vote.<sup>99</sup> Douglas, perhaps having in mind his predecessor's evidence before the Parliamentary Committee of 1857, that it had cost him £5,500 per annum to live on Vancouver Island, replied that £5,000 a year would be no more than sufficient to cover the actual expenses of maintaining the dignity of the two positions he was now to hold—Governor of Vancouver Island and Governor of British Columbia.<sup>1</sup> Lytton responded that he would not exceed £1,800 for the dual positions out of the Parliamentary grant, but very obligingly added that he would not object to a large increase of that salary out of the local funds. The amount contributed by the colony towards the Governor's salary was £3,000.

On November 16, 1858, Douglas, accompanied by Rear-Admiral Baynes, David Cameron, Chief Justice of Vancouver Island, Matthew B. Begbie, Judge of British Columbia, and Captain Parsons, in command of the first detachment (twenty men) of the Royal Engineers, left Victoria on H. M. S. *Satellite* for Point Roberts. Arriving there on the 18th they were transferred to the *Otter*, one of the Hudson's Bay Company's vessels, and, being joined by the historic *Beaver* at the mouth of the Fraser, proceeded up the river to old Fort Langley (Derby), where the *Otter* debarked a number of the Engineers, thus augmenting the force already there under Captain Grant.<sup>2</sup> The *Beaver* continued her journey to new Fort Langley, some two and a half miles beyond, carrying the officials mentioned and a body guard of Engineers. On November 19, 1858—the natal day of British Columbia—the party, accompanied by a guard of honour commanded by Captain Grant, landed on the soggy beach and proceeded in procession to the fort. A salute of eighteen guns was fired. The Union Jack was run up over the principal entrance. The day was very rainy and the proceedings, which were to have been held in the open air, were conducted in the principal building within the palisades. About a hundred persons were present to witness the historic function. Douglas first addressed Mr. Begbie, delivering to him his commission as Judge. The latter took the usual oaths; and after Douglas had read Her Majesty's commission appointing him Governor, the Judge administered the oaths of office and allegiance,

<sup>99</sup> B. C. Papers, pt. 1, pp. 43, 44.

<sup>1</sup> Despatch, Oct. 4, 1858; B. C. Papers, pt. 2, p. 1.

<sup>2</sup> Post, pp. 57-61.

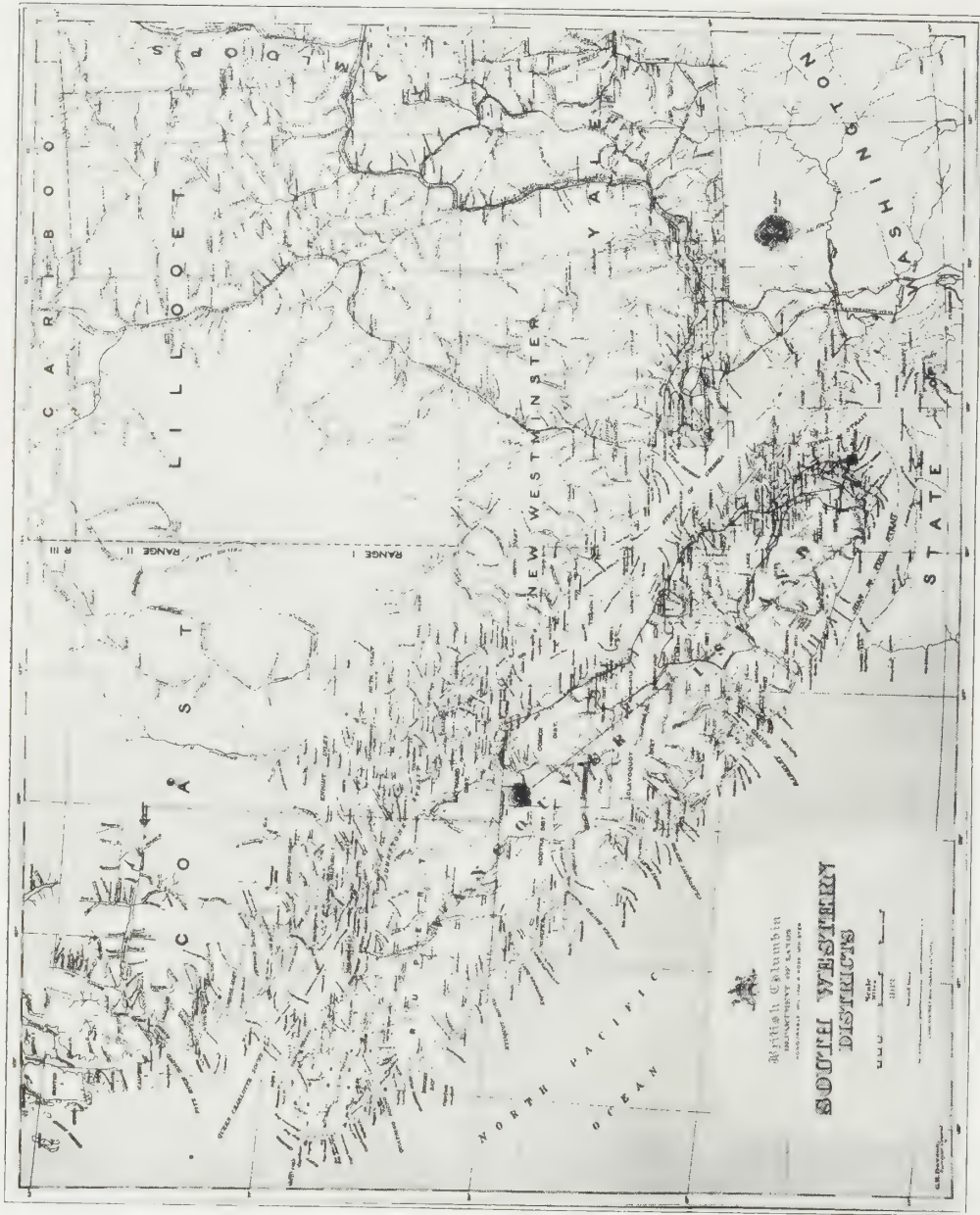
etc. This formality completed, the Governor read a proclamation dated November 3rd, revoking the Hudson's Bay Company's license of exclusive trade with the Indians so far as the new colony was concerned.<sup>3</sup> Many a miner's heart throbbed with joy when it was known that this license, which had been the cause of so much bitter contention and trouble, was gone forever. The Governor then issued three proclamations: one, announcing the act for the government of British Columbia; another, indemnifying the Governor and all persons acting under his orders for all acts done prior to that date—these acts being all illegal, as already indicated; and a third, declaring that the civil and criminal laws of England as they existed on November 19, 1858, and so far as not from local circumstances inapplicable, should, until altered, be in full force in the colony.<sup>4</sup> Thus was British Columbia officially born, with all the pomp and circumstance which the Governor so dearly loved, and which the existing conditions permitted. The Governor and his party left Langley on the following day and reached Victoria on the 21st. The body guard returned to Derby and set to work constructing the necessary public buildings.

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<sup>3</sup> Despatch, Nov. 27, 1858; B. C. Papers, pt. 2, p. 34.

<sup>4</sup> *Victoria Gazette*, Nov. 25, 1858.







## CHAPTER IV

### THE ROYAL ENGINEERS

It has been already shown that when the Queen Charlotte Islands excitement was in existence Douglas requested and obtained the services of a man-of-war to maintain order. A strong believer in the power behind the throne, he was equally strong in his suspicions of foreigners, and regarded all who had lived in California as non-respecters of law and sowers of sedition. It can scarcely be doubted that his desire to protect the interests of the Hudson's Bay Company was largely responsible for this viewpoint. His conviction of the auriferous character of the country, and his experience of the magnetism of gold, led him to foresee the rush of 1858; but he also knew from his Queen Charlotte Islands experience that the door could not be closed. He must accept the situation and content himself with regulating and restraining the conduct of the gold-seekers.

Writing upon this subject on August 19, 1858, Douglas points out that the *Satellite* and the *Plumper* afford reasonable protection to the seaboard, but that some force is wanted in the interior to support the officers whom he has appointed, and to protect the miners.<sup>5</sup> "The affairs of Government," he says, "might be carried on smoothly with even a single company of infantry; but at present, I must under management—a position inconsistent with the dignity of the Queen's Providence, depend, in a great measure, on personal influence and Government. I, therefore, trust that you will take our case into consideration, and direct such reinforcements to be sent to this country as Her Majesty's Government may deem necessary." The necessity of such a force was already apparent to the Secretary of State, Sir E. B. Lytton, as appears from his despatches, as well as his speech on the British Columbia Act.<sup>6</sup> On July 30th he had noti-

<sup>5</sup> B. C. Papers, pt. 1, p. 27.

<sup>6</sup> Lytton's Speeches, vol. 2, p. 85.

fied Douglas that he proposed to send by the earliest opportunity, an officer of Royal Engineers (probably a Field Officer with two or three subalterns) and a company of sappers and miners made up to one hundred and fifty men.<sup>7</sup>

On the following day, Lytton enlarged upon this subject, dealing with the duties of the corps. "It will devolve upon them to survey those parts of the country which may be considered most suitable for settlement, to mark out allotments of land for public purposes, to suggest a site for the seat of Government, to point out where roads should be made, and to render you such assistance as may be in their power, on the distinct understanding, however, that this force is to be maintained at the Imperial cost for only a limited period, and that if required afterwards the colony will have to defray the expense thereof. \* \* \* I shall endeavor to secure, if possible, the services of an officer in command of the Engineers who will be capable of reporting on the value of the mineral resources. This force is sent for scientific and practical purposes and not solely for military objects. As little display as possible should, therefore, be made of it. Its mere appearance, if prominently obtruded, might serve to irritate, rather than appease, the mixed population which will be collected in British Columbia. It should be remembered that your real strength lies in the conviction of the emigrants (sic) that their interests are identical with those of the Government, which should be carried on in harmony with and by means of the people of the country."<sup>8</sup>

Col. Richard Clement Moody was appointed to the command of the detachment. He was Chief Commissioner of Lands and Works of British Columbia and held a dormant commission as Lieutenant-Governor thereof. He had already had some colonial experience, having, while a Lieutenant, served as Governor of the Falkland Islands during the attempted settlement there in the early '40s.<sup>9</sup> The officers were selected for special work. The senior one, Capt. J. M. Grant, was gifted with great constructive genius; the second, Capt. R. M. Parsons, was chosen for his high qualifications in surveying, from the most scientific branches to the ordinary work

<sup>7</sup> B. C. Papers, pt. 1, p. 44.

<sup>8</sup> B. C. Papers, pt. 1, p. 45.

<sup>9</sup> Voyage of the Herald, vol. 1, p. 22.

in detail; while upon Capt. H. R. Luard, the third officer, devolved more particularly the strictly military part of the work.<sup>10</sup> The non-commissioned officers and men were just as carefully picked from amongst many volunteers for this service. They embraced members of almost every trade and profession, necessary for the infant colony—surveyors, architects, draughtsmen, artists, photographers, carpenters, blacksmiths, masons, painters, miners, etc.—men such as only the Royal Engineers can supply.<sup>11</sup>

The Engineers came in three sections: first, Captain Parsons and twenty men, chiefly surveyors; second, Captain Grant and twelve men, principally carpenters; third, Captain Luard and the main body. The first two divisions came by way of Panama, leaving England on September 2 and 17, 1858, and arriving at Victoria on October 29 and November 8, respectively.<sup>12</sup> These two parties were thus enabled to take part in the ceremonies attendant on the official birth of the colony on November 19, 1858, already described, and in the disturbance known as the Ned McGowan war, which will be described later in this chapter. Colonel Moody followed the Panama route also, leaving England October 30, 1858, and arriving at Victoria on Christmas day, 1858. The third section, comprising the main body, sailed from Gravesend on October 10, 1858, in the clipper ship *Thames City*, five hundred and fifty-seven tons, commanded by Captain Glover, and arrived at Esquimalt April 12, 1859. This section consisted of two subalterns (Lieutenants A. R. Lemprière and H. S. Palmer), one staff-assistant-surgeon (J. V. Seddall), one hundred and eighteen non-commissioned officers and men, thirty-one women, and thirty-four children under the command of Captain Luard. The stores and provisions were sent out by the *Briseis* and the *Euphrates*. The latter brought also four more men to complete the detachment.

The day before Colonel Moody left England, Sir E. B. Lytton sent him lengthy instructions regarding his work, both as commanding officer of the Royal Engineers and as Chief Commissioner of Lands and Works. After pointing out the necessity for the military force, Lytton lays stress upon the fact that the respect it will com-

<sup>10</sup> B. C. Papers, pt. 2, p. 64.

<sup>11</sup> *Victoria Gazette*, Nov. 20, 1858.

<sup>12</sup> B. C. Papers, pt. 2, p. 25; *Victoria Gazette*, Nov. 9, 1858.

mand will be in inverse ratio to its ostentatious parade; that while the aborigines are to be conciliated, yet the miners must be protected, and the Engineers must be the centre of any force in the event of difficulties, and to be efficient must act energetically; that while counsels or suggestions may be and should be offered to the Governor, yet that officer is supreme, and upon him must rest the ultimate decision and the responsibility; that he should discuss with the Governor the locations of a seaport and other towns, and consider the military features of such locations and of all roads and other public works. The instructions then went on to require Colonel Moody to give immediate attention to the improvement of the means of communication by land and water; to report upon the unification of British interests on the Pacific; to report upon the harbours of the colony and upon the existence of all minerals, especially coal, and on the fisheries, timber, soil, and agricultural prospects; to keep his force from intoxicating liquor; to use tact and courtesy in dealing with foreigners in the colony; to work harmoniously with the Governor; to be sure to see that the colony was self-supporting; to survey at once the land most likely to be needed, but in so doing to strive to keep the expense down; and lastly, to send full reports upon the permanent settlement, as the Home Authorities wished to introduce responsible government as soon as conditions would permit.<sup>13</sup>

The composition of the force as planned by Sir E. B. Lytton was:<sup>14</sup>

## OFFICERS

	Regimental Pay per Annum	Colonial Allowance	Total
	£	£	£
1 chief commissioner and colonel.....	330	1,200	1,530
1 captain .....	202	350	552
1 second captain .....	202	350	552
1 third captain .....	202	350	552
2 subalterns, each .....	125	250	375

<sup>13</sup> B. C. Papers, pt. 1, pp. 73-6.

<sup>14</sup> B. C. Papers, pt. 1, p. 55.





Chronicle.

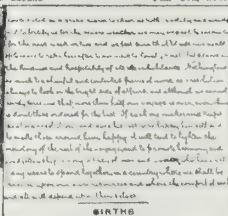
NO<sub>2</sub>

SATURDAY JANUARY 15, 1989

MATTERS:

Quo fas et gloria ducunt.

Fear God, honour the king.—1 Peter ii. 17



the 20<sup>th</sup> of Sept. 1879 from 65° 20' N. to 66° 20' N. the end of the Gulf Stream from 2° to 4° W. of Greenwich.

On the 21<sup>st</sup> of Sept. we were bound "Holland" for the Cape of Good Hope, and on the 22<sup>nd</sup> of Sept. we were bound for the Cape of Good Hope.

On the 23<sup>rd</sup> of Sept. we were bound for the Cape of Good Hope, and on the 24<sup>th</sup> of Sept. we were bound for the Cape of Good Hope.

**NATURAL HISTORY OF THE VOYAGE.**

During my previous voyage to the Cape of Good Hope, I was fortunate enough to collect a number of new species of plants and animals, and to make a number of new species of plants and animals. I was also fortunate enough to collect a number of new species of plants and animals, and to make a number of new species of plants and animals.

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1. The first thing we saw when we entered the room was a large, ornate chandelier hanging from the ceiling. It was made of brass and had many small lights that were turned on. The room was very bright and the walls were covered in tapestries. There were also several large paintings on the walls. The room was very comfortable and we all enjoyed it.

[illegible][illegible]NAVAL AND MILITARY INTELLIGENCE  
ABSTRACT OF PROGRESS

Jan 4 1880 Cal 58°00 & Snow 12 37 30  
 = 18° 23 30 51 00 = 5 11  
 = 18 4 45 30 = 37 00 = 12 52  
 = 18 6 58 00 = 62 00 10 18  
 " on shore the water was 20 ft  
 & the wind was strong and cold  
 5 12 hours at 4 1/2 mi. was 20 ft and after 12 1/2  
 1/2 days a very cold time the water was 10 ft in water  
 1 day at some parts the water was 10 ft in water

## NON-COMMISSIONED OFFICERS AND SAPPERS

	Regimental Pay per Diem		Working Pay per Diem		Total			
	s.	d.	s.	s.	s.	d.	s.	d.
1 color sergeant and acting ser- geant major . . . . .	3	10½	3 to 5		6	10½	to 8	10½
1 sergeant and acting quarter- master sergeant . . . . .	3	4½	3 to 5		6	4½	to 8	4½
7 sergeants, each . . . . .	2	10½	3 to 5		5	10½	to 7	10½
8 first corporals . . . . .	2	2½	1 to 4		3	2½	to 6	2½
8 second corporals . . . . .	1	10¾	1 to 4		2	10¾	to 5	10¾
2 buglers ) 123 sappers { . . . . .	1	2½	1 to 4		2	2½	to 5	2½

It will thus be seen that the total force—officers and men—was intended to be one hundred and fifty-six. It actually became one hundred and sixty-five.<sup>15</sup> This increase was caused by the addition of a surgeon and hospital orderly, a sergeant and corporal each from the Royal Artillery and the Fifteenth Hussars, and three sappers who, on their way home to England, were brought to the colony and absorbed by the detachment.

To while away the monotony during the long journey of the main body from England, a paper known as the *Emigrant Soldiers' Gazette and Cape Horn Chronicle* was issued each week, chronicling its progress and chief events. The moving spirits in this diversion were Lieutenant Palmer and Second Corporal Charles Sinnett. Published in manuscript and read each week to the assembled company, this little paper gives an excellent view of the versatile abilities of the members of the corps.<sup>16</sup> The original sheets are still preserved in the archives of the province. In 1907 the Government of British Columbia reprinted the paper in a most elaborate and attractive form, to preserve to the present generation some adequate conception of the body of men who took such a prominent part in laying the foundation of the colony.

## THE RISE AND FALL OF DERBY

One of the points to which Governor Douglas's attention was first directed was the location of a seaport town or capital. At first

<sup>15</sup> *Emigrant Soldiers' Gazette*, appendix.

<sup>16</sup> *The Work of the Royal Engineers*, pp. 3, 4.

Hope was regarded as the spot, but later Douglas selected the site of old Fort Langley (Derby), about two and a half miles below the present Fort Langley. In September, 1858, some enterprising persons from Victoria had picked upon this identical spot, surveyed it into lots, and were about to offer them for sale. The Governor at once checkmated this move by the proclamation already referred to, warning the public that no Crown lands had been sold. He followed this up by taking possession of the land, adopting the work these persons had done, and, on October 1st gave notice of an intended sale of the town lots. He says he was guided in this selection by the "partiality displayed for this site by the mercantile community of the country, whose instincts in such matters are generally unerring," by its possession of great natural advantages for trade and by the presence of deep water, bold shore, and good anchorage.<sup>17</sup> It was, however, bounded on the east by a reserve of the Hudson's Bay Company containing ten square miles; moreover, it was in part subject to overflow. The townsite consisted of 183 blocks, each 5x10 chains, containing 18 lots, 64 x 120 feet. The streets, which were all unnamed, were 78 feet in width, with an alley-way 12 feet in width through each block.<sup>18</sup> The reserve price on a full sized lot was \$100. After a number of adjournments the sale was held in Victoria on the 25th, 26th, and 29th of November, P. M. Backus acting as auctioneer.<sup>19</sup> Three hundred and forty-three lots were disposed of, aggregating \$66,172.50.<sup>20</sup> Lot 1, block 5, purchased by S. Reinhart, brought the highest figure, \$725. The lowest price was \$40. The following day notice was given that all lots remaining would, on December 1st, be sold to the first applicants at the upset price, \$100.<sup>21</sup>

The terms of sale required only ten per cent to be paid at the time of sale, the remainder being due at the end of one month. The Governor was delighted at the faith in the country and in the richness and permanency of its gold fields which this successful sale showed. But he knew that he had at all times to combat the destructive force of San Francisco influence, which constantly decried everything connected with the new colony and its diggings. He recognized

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<sup>17</sup> B. C. Papers, pt. 2, p. 80; pt. 3, p. 11.

<sup>18</sup> *Victoria Gazette*, Nov. 25, 1858.

<sup>19</sup> *Victoria Gazette*, Nov. 30, 1858.

<sup>20</sup> B. C. Papers, pt. 2, p. 37.

<sup>21</sup> *Victoria Gazette*, Dec. 2, 1858.



that some of the purchasers might waver and, under that influence, might make default in payment of the remainder. Faith must be fostered and money obtained; the Secretary of State for the Colonies was constantly reminding him that the colony must be self-supporting. To inspire confidence he called for tenders, on December 1st, for the erection of a parsonage, church, courthouse, and gaol in the new town. The purchasers petitioned him to extend the time for payment of their balances—the ninety per cent of the purchase price—but he refused, saying that it would be unfair to other persons, both those who had bid and those who had not.<sup>22</sup> In February, 1859, over \$40,000 of the sale price of these lots remained unpaid. The buildings above mentioned, with the exception of the church, were never built, for reasons which will appear hereafter.<sup>23</sup>

The first and second sections of the Royal Engineers—those under the command of Captain Parsons and Captain Grant—were already at old Fort Langley (Derby), where they had been since taking part in the formal launching of the colony. They were housed on board the Hudson's Bay Company's brigantine *Recovery*, and were busy erecting the necessary buildings for the accommodation of the main body, then on its way in the *Thames City*.

#### THE "NED MCGOWAN WAR"

While this work was in progress, news came from Yale, early in January, 1859, of a very serious outbreak. In the end this report was shown to have been most grossly exaggerated. The circumstances are instructive. Hill's Bar, some two miles below Yale, was occupied by Californian miners. Prominent amongst them was one Edward McGowan, a notorious character. The story of this man will explain why any lawlessness with which his name was connected would be viewed most seriously by the authorities. Leaving an unsavory reputation in Pennsylvania, he had emigrated to California with the first rush of 1849 and had entered at once into its wild life. He was elected a Justice of the Peace and, in 1851, became an Associate Justice of the Court of Sessions. Resigning his judicial office he was appointed a Commissioner of Immigrants.<sup>24</sup>

<sup>22</sup> *Victoria Gazette*, Dec. 25, 1858.

<sup>23</sup> B. C. Papers, pt. 3, p. 3.

<sup>24</sup> Bancroft Popular Tribunals, vol. 2, chap. 14.

Soon he became closely identified with gamblers, thugs, roughs, toughs of all descriptions, and the very worst element of San Francisco. *Facilis decensus Averni*. He was an intimate friend of Casey, the murderer of that intrepid reformer, James King of William, and in that connection the evidence against him was so strong that he was indicted as an accessory. He fled from the Vigilance Committee which then (1856) had risen in the might of an outraged people and substituted itself for the regular courts of justice. After many adventures he succeeded in making his escape, but, returning in 1857, after the Vigilance Committee had ceased to exist, he obtained a change of venue to Napa City, was tried and acquitted upon the almost unbelievable ground that it was not Casey's bullet, but the doctor's treatment, that had killed King. Casey, by the way, had been hanged by the Vigilance Committee for this murder. As Bancroft says: "In other words, it was not the shooting which caused King's death, but the sickness which followed the shooting, and which the physicians failed to cure."<sup>25</sup> Just before he left San Francisco in 1858 he had led a riot in one of the theatres, and it is said that when he was about to sail for British Columbia he was recognized by agents of the committee and fired upon, the bullet unfortunately passing through the lapel of his coat. Reaching Hill's Bar, he settled down to the work of mining, and his presence was forgotten.<sup>26</sup>

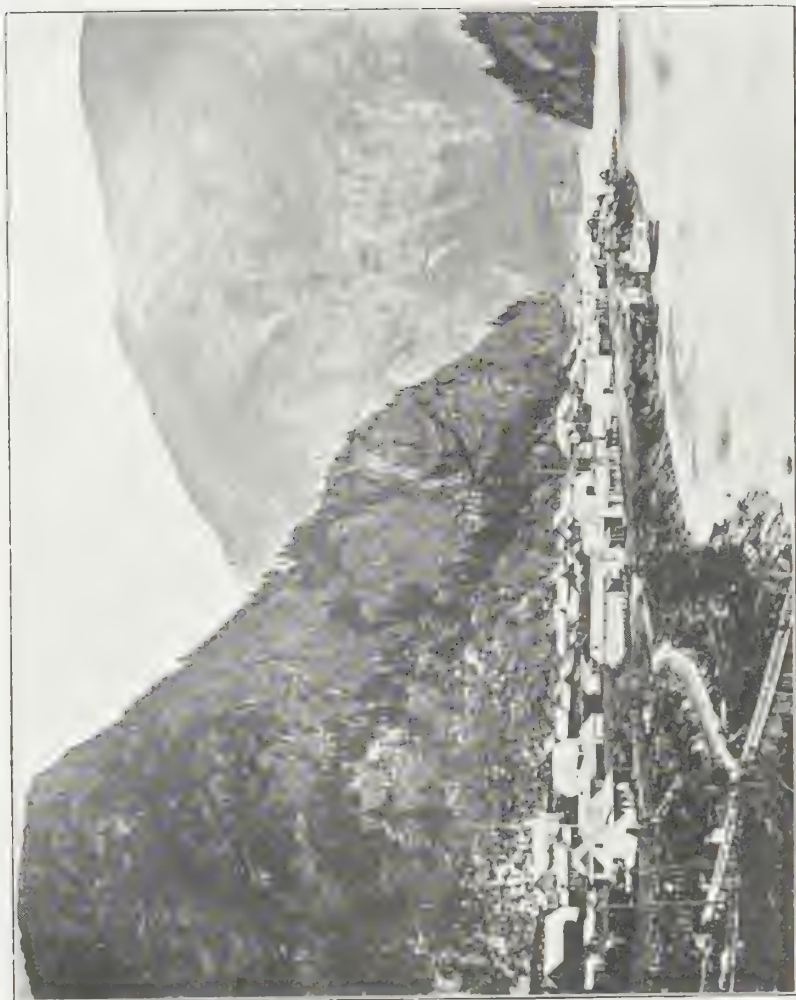
When, therefore, it was reported that this man had been prison-breaking at Yale and was at the head of a conspiracy to overthrow British authority, prompt action was taken. Without waiting for instructions from the Governor, Colonel Moody, with twenty-five of the Royal Engineers under Captain Grant, set out at once from old Fort Langley (Derby) for the scene of action. Douglas requested aid from Captain Prevost of the Boundary Commission, and, accordingly, one hundred marines and blue-jackets from H. M. S. *Satellite*, under Lieutenant Gooch, were embarked on the *Plumper* to reinforce Colonel Moody's party. A field piece was taken along. The *Plumper*, being only capable of steaming six miles an hour, was unable to proceed above Langley. The stern-wheel steamer *Enterprise*, Capt. Thomas Wright, which had taken Colonel Moody and

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<sup>25</sup> Popular Tribunals, vol. 2, p. 259.

<sup>26</sup> Mayne, B. C., p. 59.





EARLY VIEW OF YALE, THE GATEWAY TO CARIBOO, ON FRASER RIVER



his party, not having yet returned, Lieutenant Mayne of the *Plumper* was sent by canoe up the ice-filled river to inform Colonel Moody of the arrival of these reinforcements and request instructions. Reaching Hope, Lieutenant Mayne found Colonel Moody about to proceed to Yale, accompanied only by Judge Begbie. Already it was dawning upon the authorities that the version they had received was much exaggerated.

At Yale everything was peaceful. The next day being Sunday, Colonel Moody gathered together a congregation of thirty or forty miners and held in the court house the first public divine service at that place. Later in the day the Colonel investigated the trouble which had brought about this war-like demonstration. It was found to have been trivial enough. On Christmas day a miner, Farrell, from Hill's Bar, had committed an assault upon a negro at Yale. Capt. P. B. Whannell, the resident magistrate, issued a warrant for his arrest. Learning that Farrell had fled to Hill's Bar, Whannell sent the warrant there for execution, but the local magistrate, Mr. George Perrier, refused to recognize it, and, upon Farrell's complaint, issued a warrant for the arrest of the negro and sent his constable, Henry Hickson, to Yale to execute it. Arriving at Yale this man went to the court-room and conducted himself so insolently that Captain Whannell sent him to gaol for contempt of court. When the news reached Hill's Bar great excitement prevailed among the miners, at whose head was Ned McGowan. The indignant Perrier resolved upon a drastic measure: he issued a warrant for the arrest of his brother magistrate for contempt of *his* court in imprisoning his constable, and entrusted it to a posse of twenty men under the leadership of McGowan. Proceeding to Yale they entered the court-room while it was in session, read the warrant, and arrested the astonished Whannell before he had time to realize the situation. Hurrying him into a canoe, and releasing the imprisoned constable, McGowan and his myrmidons returned to the bar. On the next day Justice Whannell was arraigned before Justice Perrier for contempt, and, being found guilty, a fine of \$50 was imposed. Public meetings were held at Yale and at Hill's Bar, at which the conduct of each magistrate was approved by his constituency.<sup>27</sup>

This was the matter which had reached the authorities in such

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<sup>27</sup> *Victoria Gazette*, Jan. 8, 11, 22; Feb. 1, 1859; *Puget Sound Herald*, Jan. 21, 1859.

an aggravated form—merely a petty squabble between two petty officials. Colonel Moody's investigation satisfied him that there had been nothing illegal in McGowan's conduct, and there the end would have been, had not McGowan committed an unprovoked assault upon Doctor Fifer, a man against whom this desperado entertained much ill-will owing to his having been connected with the Vigilance Committee of 1856.<sup>28</sup>

His friends and supporters, acting suspiciously, it was deemed advisable to order up the Engineers from Hope and the marines and blue-jackets from Langley. Lieutenant Mayne secretly returned to Hope with these instructions. Great was the surprise of the miners at Yale when, the next morning, Captain Grant and his men were on the ground prepared for action. In the meantime, Mayne proceeded in the *Enterprise* to Langley to bring forward the remainder of the force.<sup>29</sup> On their arrival at Hope, Mayne found orders from Colonel Moody to leave the blue-jackets at Hope and advance with the marines only. Peace was reasserting herself. McGowan was now dealt with. He was fined for the assault and exonerated in all other respects, and so the matter ended. The next day when Judge Begbie and Lieutenant Mayne visited Hill's Bar, McGowan showed them the process of mining and invited them to a collation in his hut. Mayne says: "Whatever opinion the Vigilance Committee of San Francisco might entertain of these gentlemen, I, speaking as I found them, can only say that, all things considered, I have rarely lunched with a better-spoken, pleasanter party."<sup>30</sup> All were not of this opinion. Chartres Brew, who, having been appointed Chief Gold Commissioner, had arrived in Yale with Captain Grant and the Engineers on January 17, 1859, says: "The miners are all idle on account of the frost, and McGowan and several of the Hill's Bar men are stopping at Fort Yale at present. McGowan keeps himself shut up and is seldom seen out. I suspect he spends his time drinking and gambling. I do not place much reliance on McGowan. I think he is a bad fellow who can only be restrained by fear."<sup>31</sup>

Perrier and his constable were summarily dismissed. Although

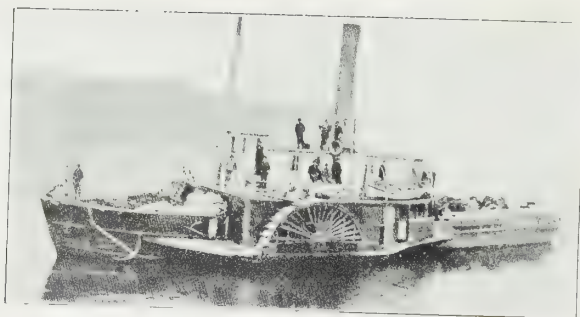
<sup>28</sup> *Victoria Gazette*, Jan. 22, 1858.

<sup>29</sup> Mayne, B. C., pp. 69, 70.

<sup>30</sup> Mayne, B. C., p. 70.

<sup>31</sup> Letter, Brew to Colonel Moody, Feb. 4, 1859, in *Yale Letter Book*.



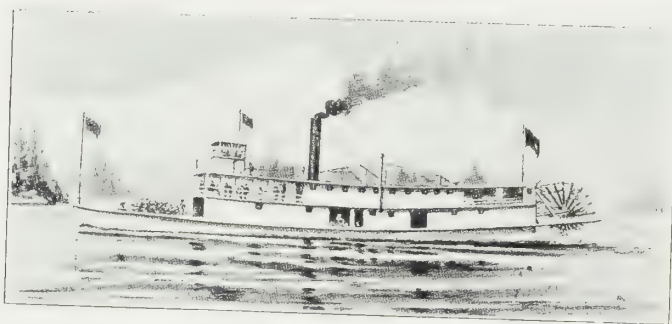


STEAMER "BEAVER"

From last photograph taken before her wreck

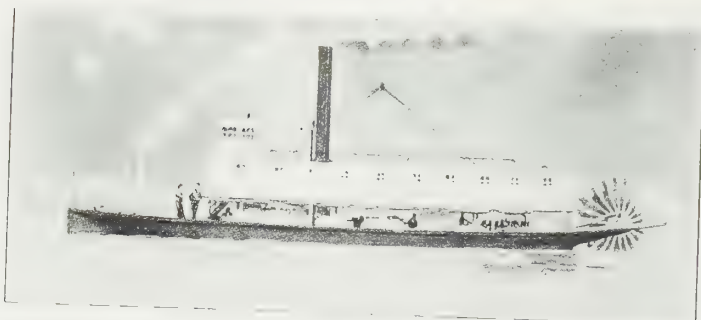


THE STEAMER "BEAVER" IN VICTORIA HARBOUR



THE "COLONEL MOODY"

Second steamer built in Victoria district



WILLAMETTE AND FRASER RIVER STEAMER "ENTERPRISE"



this incident, a costly one for the new colony, has been much derided, as partaking, considerably, of opera bouffe, yet the rapidity with which the soldiers were rushed to the spot in the dead of winter, and the energy which characterized the Governor's action, bore good fruit in convincing the miners that no lawlessness would be permitted, and that disciplined and experienced troops were available and would be used to prevent any outrage and sustain the constituted authorities.

McGowan did not remain long in the colony. In March, 1859, he passed through Victoria on his way to Sonora to meet his son. His report of the country was favourable. To support it he showed a "poke" of \$4,700, which as he declared was "Pretty good for an old man of fifty."<sup>32</sup> Six months later the ubiquitous McGowan was found at Tucson, Ariz., where he was dividing his time between practising law in the Justice Court and setting type on the *Arizonian*.<sup>33</sup> Later he drifted east and was an assistant Sergeant-at-Arms in the House of Representatives. About 1883, he returned to San Francisco, a garrulous, penniless old man, and took up his home at the Commercial Hotel. There he died in 1893, a pious old man.<sup>34</sup>

#### THE SELECTION OF THE FIRST CAPITAL

As already shown, Colonel Moody's instructions required him to coöperate with the Governor in the selection of a site of a maritime town for the colony—in other words, a capital, as the context clearly shows. In considering this question he was reminded that the strength of the position in time of war must be a prime factor. On his return from the "Ned McGowan war" late in January, 1859, he examined carefully the spot now occupied by the city of New Westminster and found it to meet every requirement. Colonel Moody placed his suggestions before the Governor in a lengthy report dated January 28, 1859. Naturally he dwelt upon the almost impregnable situation, pointing out how singularly strong and well protected it was by nature; he referred to its being the first high land on the north bank of the river; he showed that the harbour was in every way suit-

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<sup>32</sup> *Puget Sound Herald*, March 18, 1859.

<sup>33</sup> *Puget Sound Herald*, Sept. 30, 1859.

<sup>34</sup> *San Francisco Examiner*, June 4, 1893.

able for a city of size and importance, and that while on a slope there was yet sufficient flat land to accommodate the necessary quays, docks, and commercial sites;<sup>35</sup> finally he remarked that the site of old Fort Langley (Derby) was on the wrong side of the river and utterly indefensible as a military position.

The Governor assented to Colonel Moody's suggestion—none too gracefully, it may be added. On February 14, 1859, he issued a proclamation notifying the public of his intention to lay out, without delay, on that spot the capital of the colony and to offer the lots for sale at public auction. One-fourth of these lots was reserved for sale in the United Kingdom and in British colonies. Persons who had paid for lots at old Fort Langley (Derby) were entitled to surrender them and take credit for the amount paid, on any purchase in the capital. Arrangements were to be made immediately to declare the capital a port of entry for British Columbia. The river frontage was not to be sold, but leases of portions for wharves would be issued for seven years to the highest bidder at auction.

All work in progress at old Fort Langley (Derby) ceased immediately upon this change, and the Engineers there were removed to the capital. They set to work at once to clear the site of their camp, the romantic Sapperton, now a part of the city of New Westminster. Very hard clearing it was, too. Lieutenant Mayne states that the bush was so thick that it took him two hours to force his way less than a mile and a half. "It was composed of very thick willow and alder, intertwined so closely that every step of the way had to be broken through, while the ground was cumbered with fallen timber of a larger growth."<sup>36</sup> The survey of the city was also taken in hand by the Engineers, aided by civilian surveyors. The *Thames City* arrived at Esquimalt with the main body on April 12, 1859. They were at once transferred to the *Eliza Anderson* for conveyance to the capital. Owing to the change, their quarters were not ready. Some were, therefore, quartered on the brigantine *Recovery*, while the remainder went out under canvas.<sup>37</sup>

The first sale of lots in the capital took place in Victoria on June 1 and 2, 1859. It was represented by the auctioneer, Mr. Selim

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<sup>35</sup> B. C. Papers, pt. 2, p. 60.

<sup>36</sup> Mayne, B. C., p. 72.

<sup>37</sup> The Work of the Royal Engineers, p. 6.





NEW WESTMINSTER, ABOUT 1864





GOVERNMENT HOUSE, NEW WESTMINSTER



EARLY VIEW OF COLUMBIA STREET, NEW WESTMINSTER



Franklin, on authority from the Governor that the money arising from the sale of lots would be used in opening the streets. Three hundred and three lots were sold, eight remained unsold, and one hundred and ten were reserved for sale elsewhere, as already mentioned.<sup>38</sup> The sale realized £18,877, or more than \$90,000. The highest price was £385, paid by Alex. D. Macdonald, for lot 11, block 5. The terms were twenty-five per cent down and the balance in three monthly payments.<sup>39</sup> The total amount of credit allowed on account of lots in old Fort Langley was \$26,943, from which it would appear that a great many of the purchasers at that sale had made default in completing their purchases and allowed the ten per cent paid by them to be forfeited.<sup>40</sup> Nevertheless, Douglas claimed that the success of the sale was owing to the credits from this source.<sup>41</sup> When Sir E. B. Lytton was informed of the reservation of lots for sale elsewhere, he did not approve of the step. It appeared to him "decidedly objectionable."<sup>42</sup> "It can be of no use except to stimulate the acquisition of property by non-residents. This is one of the worst evils to which a new community is liable. The lots are bought by speculators, who hold them on a chance of a rise in value, with the effect in the meanwhile of obstructing the progress of the town, interrupting its communications, and creating a nuisance to the holders of adjoining lots. This provision should be rescinded \* \* \* ." At this time the name of the capital had not been settled. That question engendered quite a heated discussion. Colonel Moody suggested "Queenborough." Mr. W. A. G. Young, the Colonial Secretary, objected to this, as being too close a paraphrase of Victoria, and in turn suggested "Queensborough,"<sup>43</sup> which the Governor was inclined to accept. To end the disagreement, Douglas on February 5, 1859, requested that Her Majesty should "vouchsafe one further proof of Her continued regard by signifying Her will as to the name to be given to the future capital \* \* \* so that the colonists of British Columbia, separated from friends and kindred in this, their far-distant home, may be ever gratefully reminded in the designation of their capital of the power that protects their

<sup>38</sup> Macdonald, B. C., p. 15.

<sup>39</sup> Id., pp. 15, 16; B. C. Papers, pt. 3, p. 16, Land Registry Records.

<sup>40</sup> Id.

<sup>41</sup> B. C. Papers, pt. 3, p. 16.

<sup>42</sup> B. C. Papers, pt. 2, p. 86.

<sup>43</sup> B. C. Year Book, 1897, pp. 45, 46.

hearth, of the watchful interest that guards their liberties, and of the gentle sway by which they are governed.”<sup>44</sup> In the following May, Lytton replied that he had laid the request before the Queen and that “Her Majesty has been graciously pleased to decide that the capital of British Columbia shall be called ‘New Westminster.’”<sup>45</sup> On July 20, 1859, the Governor issued a proclamation declaring “that the town heretofore known as Queensborough, and sometimes as Queenborough, in the Colony of British Columbia shall from henceforth be called and known as New Westminster, and shall be so described in all legal processes and official documents.”<sup>46</sup>

The many urgent demands upon the very limited colonial purse prevented the Governor from fulfilling for some time, the promise that the money arising from the sale of the lots would be used in grading the streets. The inhabitants of the town thought they had a grievance in that respect, and considerable local disaffection arose. This smouldered until, in the spring of 1860, Mr. Franklin, the auctioneer who had made the promise in question at the sale in the previous June, arrived in New Westminster to conduct another auction sale, at which the lots originally reserved for sale outside the colony were to be offered in accordance with Lytton’s instructions. Then the feeling of indignation overswept the barriers of reason and the townspeople attending the intended sale created such an uproar and caused such a disturbance that the auctioneer was unable to proceed—was “gagged,” as Mr. D. G. F. Macdonald expresses it—and was obliged to abandon the attempt.<sup>47</sup> Mr. Edgar Dewdney, afterwards Lieutenant-Governor of the province, was then instructed to offer the lots for sale. At this sale, which took place on May 2, 1860, about thirty-three lots were disposed of, realizing £5,350.<sup>48</sup> A few days later, when Governor Douglas, who made his home in Victoria, visited the colony, the people of the town approached him with a request that it be created a municipality. The Governor consented, and by a proclamation dated July 16, 1860, local self-government was granted to New Westminster, which has thus the honour of being the first municipal government in the province.

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<sup>44</sup> B. C. Papers, pt. 2, p. 61.

<sup>45</sup> B. C. Papers, pt. 2, p. 86.

<sup>46</sup> B. C. Papers, pt. 3, p. 39.

<sup>47</sup> Macdonald, B. C., p. 279.

<sup>48</sup> Macdonald, B. C., p. 15.







## CHAPTER V

### THE ADVANCE OF CARIBOO

The mining operations of 1858 only sufficed to indicate vaguely the general auriferous nature of the country. The interruption caused by the state of the Fraser River and the Indian troubles, the details of which appear elsewhere, combined to prevent the obtaining of satisfactory results. Thousands of those who left San Francisco never saw the mining region nor washed a pound of sand. Those who persevered did so under the greatest difficulties and hardships, owing to the lack of provisions and the absence of any safe communication beyond Yale through those grand but forbidding and awe-inspiring canyons. There are results vastly more important than the mere material returns. The season of 1858 is not to be judged solely by the number of ounces of gold recovered from the Fraser's sands; to find its total sum there must be added the solidly formed belief amongst the miners as a body that higher up the river, farther into the interior, richer diggings would be found. This belief was not entirely based on deduction from the relative coarseness of the gold; facts were known which supported it. Early in the season of 1858 Aaron Post, a miner from El Dorado county, California, had made his way as far as the mouth of Chilcotin River, testing and trying every bar, and finding gold in all.<sup>49</sup> The scarcity of provisions, of course, prevented those who followed in his footsteps from carrying on continuous and systematic work so far from the base of supplies, yet the uniform success which attended their attempts made them assured that when communications were improved and depots of supplies placed in the vicinity, rich rewards would be obtained.

The low stage of the Fraser River early in 1859 afforded the miners on the lower portion the opportunity to ascend. In April the Governor reported that up to March 24th, three hundred boats,

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<sup>49</sup> *Victoria Gazette*, July 14, 1858.

carrying an average of five men, had left Yale for the upper Fraser and an even greater number were making their way overland.<sup>50</sup> The opening of the trail by way of Harrison, Lillooet, Anderson, and Seton lakes, sometimes called the Douglas-Lillooet route, and sometimes the route by the portages—the details of which will be dealt with later—had given access, late in 1858, to the Fraser at Lillooet, above the formidable canyons. The season of 1859 saw most of the bars on the lower Fraser deserted for the dry diggings, or bench diggings, that is the flats on the banks of the river above its highest level. This kind of mining required capital, or, at any rate, coöperation in bringing water upon the claims, where oftentimes eight or ten feet of barren ground must be washed away before the gold-bearing stratum was reached.<sup>51</sup> Of these dry diggings, besides the Bond, George, Hovey, and Fountain, which had been worked in the preceding year, the most important were the Emory Bar and Hunter Bar Dry Diggings, seven miles below Yale; the Prince Albert Diggings, four miles below Yale; the benches at Hill's Bar; the benches at Nicaragua Bar in the Big, or Black, Canyon, a little below Boston Bar; the McGoffrey Dry Diggings, seven miles below Foster Bar; and the benches at Cameron Bar.<sup>52</sup>

The individual adventurer, therefore, whose capital was but his pick, shovel, and rocker, stout heart, and robust health, seized the opportunity to ascend the river in search of paying bars where, close to this natural sluiceway, no other capital was required, and where, moreover, the gold lay within a few inches of the surface. The Thompson River drew some miners to its banks, and their energy was rewarded by finds on the Tranquille, Défait, Nicola, and Nicomen; but the Fraser, as the main and larger stream, was the more attractive.<sup>53</sup> The Fountain, which lay on its left bank some six miles above Lillooet (or Cayoosh, as it was then called), was the objective point in 1858; but being dry diggings it only retained men with capital. The centre of the mining in 1858 was between Hope and Yale; but in 1859 it was above Lillooet or, at least, above Lytton. In May, 1859, Lieutenant Palmer reported that at French Bar rockers were averaging \$4 to \$8 per day per man, and sluices \$8 to \$16; at Upper

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<sup>50</sup> B. C. Papers, pt. 3, p. 6.

<sup>51</sup> B. C. Papers, pt. 3, p. 9.

<sup>52</sup> Bancroft, B. C., p. 464.

<sup>53</sup> B. C. Papers, pt. 3, p. 34.







LYTTON, THE FORKS

Mormon Bar, rockers \$4 to \$12, sluices \$16 to \$25; at Day's Bar, rockers \$8 to \$12; at Haskell's Bar, rockers \$6 to \$12, sluices \$16 to \$20; at Big Bar, rockers \$5 to \$6.<sup>54</sup> The use of a rocker, or a sluice, was not a mere question of individual taste—it depended upon the natural surroundings, the size of the bar, and other varying conditions.

These bars formed but stepping-stones for the restless, roaming miners, who pressed on and on up the river, finding gold wherever they prospected, but never satisfied, striving ever to discover those richer diggings, the existence of which it was heresy to deny. Alexandria was reached, and then the bars above that place were tested and tried; rich diggings were found in that vicinity; still "onward" was the cry. By the month of May the Quesnel River had been reached. Rumors of great "strikes" there were current. But the Lure of the Gold was strong; it drew the seekers on. The Fraser was examined and prospected for a distance of one hundred and fifty miles beyond Fort George, and every bar was reported as promising from \$5 to \$6 per day to the man.<sup>55</sup> Better fortune came to those who left the Fraser and ascended the Quesnel. Late in 1859, after prospecting its bars, which proved far richer than those of the main river, Cariboo Lake was found. In cumbersome rafts, bound together with withes, they made their way along its shores. Now their perseverance was rewarded. Rich strikes, in some cases \$200 per day per man, were reported. Gold in large quantities was also found on the Horsefly River, which flows into Quesnel Lake from the southward; there a party of five men in one week, with two rockers, took out one hundred and one ounces. One of the foremost in the advance into the Horsefly was Dud Moreland, who, later, settled at Cottonwood. Over and above these material results, which showed a large area to be auriferous, and some sections to be especially so, the season of 1859 was eminently satisfactory, for in the territory around Quesnel and Cariboo lakes the California miners found an indication which gladdened their hearts—the "Blue Lead" as it was called, which in California was the gold-bearing stratum. It was traced for thirty miles with a lateral extent of nearly ten miles. It is a question, much debated, whether the real California blue lead existed in Brit-

<sup>54</sup> B. C. Papers, pt. 3, p. 47.

<sup>55</sup> B. C. Papers, pt. 3, p. 66.

ish Columbia; but that is beside the point, for the miners believed it did and acted on that assumption. Shafts were sunk to a depth of twenty-five feet to reach the bed-rock, with its covering of blue clay, the alleged blue lead. The results were satisfactory, though the season was too far advanced for any comprehensive attempts. In 1859 the number of miners between Hope and Yale decreased to six hundred, between Yale and the Fountain, to eight hundred. In this area the rocker had given way to the sluice, which requires more capital, but produces better results. In two instances—at British Bar and at Rich Bar, situated fifty and fifty-three miles respectively above Alexandria—ditches five miles long had been constructed to bring water upon dry diggings. Between Alexandria, Fort George, and Quesnel Lake in 1859, about one thousand men were mining on the various bars.

But not alone did the miners try the upper Fraser and the Thompson. Late in the fall of 1859 the men attached to the North West Boundary Commission found gold on the Similkameen, about twelve miles from its mouth. Without suitable appliances \$6 was obtained from washing six pans. In one day two men obtained \$20 each. The gold was coarser than that on the lower Fraser, some pieces being worth more than two dollars.<sup>56</sup>

Early in 1860 gold-seekers from the American territory rushed to the Similkameen; but the diggings did not appear very remunerative. Governor Douglas reports on April 23, 1860, that some twenty or thirty men were making from \$8 to \$10 per day, but that the remainder were not paying expenses.<sup>57</sup>

The glowing reports from the Quesnel country had their effect. Mr. Sanders, the Gold Commissioner at Yale, reported on April 14, 1860, that he feared the rush into that far-away region would depopulate Yale district.<sup>58</sup> In January, 1860, the mining population in the vicinity of Hope had dwindled to two hundred and three, earning from \$3 to \$12 per day. The future looked dark, and to encourage them, Douglas suggested that a party of nine experienced miners be sent into the Similkameen country to examine the prospects there, the Government furnishing the food and agreeing to pay

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<sup>56</sup> B. C. Papers, pt. 3, pp. 74, 75.

<sup>57</sup> B. C. Papers, pt. 4, p. 4.

<sup>58</sup> B. C. Papers, pt. 4, p. 6.







QUESNEL, MOUTH OF QUESNEL RIVER

each man a bonus of \$20 if gold were found.<sup>59</sup> In July this party reported that they had found profitable diggings.<sup>60</sup> About the same time the Rock Creek placers were discovered by Adam Beam, a young Canadian who was travelling from Fort Colville to the Similkameen. Immediately a great rush of people not only from the vicinity of Hope and Yale, but also from the adjacent American territory, took place into this new region. The gold there was nuggety, of extreme purity, and readily saved without the use of quicksilver.<sup>61</sup> In one instance, two men, in six weeks, obtained \$1,300. In October, 1860, the Governor reported that eighty or one hundred men were at work mining on the Similkameen;<sup>62</sup> at Rock Creek he found upwards of five hundred; all these seemed to be making fair wages, from 30s. to 60s. per day.<sup>63</sup>

The year 1860 also saw a great increase in the number of miners on the upper reaches of the Fraser, and especially along the Quesnel. Ferguson's Bar, or Rich Bar, some fifty-three miles above Alexandria, yielded an immense return—as high as \$60 per day per man. When the pay streak near the river was exhausted, the gravel from the flat in the rear was wheeled hundreds of yards to be rocked at the river bank; even then from \$7 to \$10 per day per hand was made. The bar being of large extent, and giving evidence of some permanency, the miners determined to bring in water from a lake about five miles away, at a cost of \$12,000, and carry on large sluicing operations.<sup>64</sup> This treatment is typical. Wherever a bar was found it was first tested with the pan, a slow and unprofitable mode, really only suitable for prospecting or ascertaining its probable productiveness. After the pan came the rocker, also a primitive method of gold extraction. This machine is constructed like a child's cradle, with rockers underneath. The box is about four feet long, two feet wide, and one and one-half feet deep. The upper part and one end are open, and the sides gradually slope toward the bottom. At the head is a section closely jointed with a perforated sheet-iron bottom. Into this upper iron box the earth is fed by one miner, and by another

<sup>59</sup> B. C. Papers, pt. 4, p. 10.

<sup>60</sup> Id., p. 13.

<sup>61</sup> Id., pt. 4 p. 20.

<sup>62</sup> Id., pp. 28, 29.

<sup>63</sup> Id., p. 42; *Puget Sound Herald*, Aug. 31, 1860.

<sup>64</sup> B. C. Papers, pt. 4, p. 41.

the contrivance is rocked and supplied with water. The water, with the heavier particles, percolates through the perforated bottom and falls upon the real bottom, where are riffles and quicksilver, or a copper plate with quicksilver, or perhaps, if the gold is very fine, a piece of woolly blanket covered with quicksilver.<sup>65</sup> While more expeditious than the pan, yet, the water being supplied by hand, the process is necessarily very slow as compared with sluicing. In this operation a stream of water is brought upon the ground, perhaps from the river itself, perhaps from some neighboring supply, and led into a long series of boxes, somewhat like a wooden drain. Into these boxes the dirt is shoveled and carried along by the flow of the water. Their bottoms have riffles or other devices to catch the gold. Sometimes quicksilver is used, if the gold is very fine.<sup>66</sup> The water bears away the greater part of the worthless material, though a man patrolling the sluice removes the larger stones. The lumber for these sluice boxes was usually obtained on the spot, by whip-sawing.

During 1860, about four thousand miners were at work here and there over the colony, of whom perhaps three thousand were on the Fraser and its tributaries beyond Lillooet. The original diggings, both bar and bench, along the lower Fraser were now practically given over to the Chinese. The miners divided the country into the Rock Creek and Kootenay districts; above that the Thompson River district, or Couteau country, as far as Canoe Creek, on the Fraser; beyond lay the Canoe country; still further was the Balloon country; and yet further removed was the Cariboo country. These divisions, though very indefinite, served to distinguish the localities in a vague and general way.

#### THE DISCOVERY OF KEITHLEY AND ANTLER CREEKS

Keithley Creek, which flows into Cariboo Lake, the source of the North Branch of Quesnel River, was discovered in 1860 by "Doc" Keithley, George Weaver, and their companions. It was the first of the real Cariboo creeks, and soon became one of the most famous, though not at all a rich creek, as compared with its more famous neighbors. The creek itself, as well as its tributary, Snowshoe, and

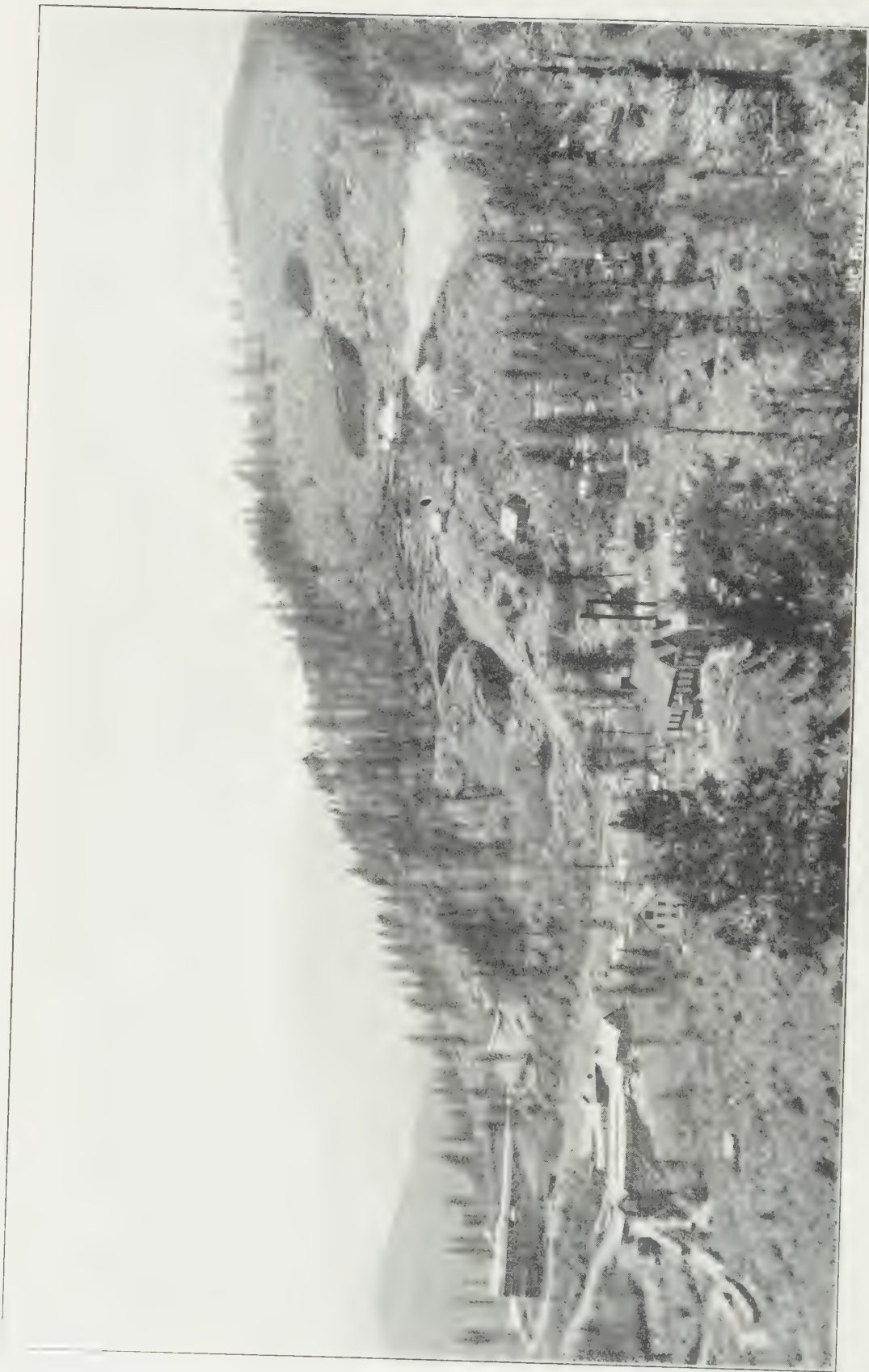
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<sup>65</sup> Macfie, B. C., pp. 268, 269.

<sup>66</sup> Id., pp. 269, 270.







RAWHIDE, GOLD DROP AND SNOWSHOE MINES, PHOENIX

Harvey and Cunningham creeks, which flow from the eastward face of the Bald Mountain, had been discovered early in 1860, but the absence of gold-bearing stratum on the surface had delayed its exploitation, and it was not until late in the fall of that year that its auriferous character was ascertained.<sup>67</sup> It rose at once into prominence as a supply centre for the entire region of the North Quesnel River. The creeks which radiate from the Bald Mountain, Keithley, Harvey, Cunningham, Snowshoe, Grouse, Antler, Lowhee, Williams, and Lightning appear to occupy the same location, but not the identical channel of the old gold-bearing creeks. Where gold was first found on them is said to have been the spot where modern erosion had laid bare, or nearly bare, for short distances, the deeper channels of the ancient streams.<sup>68</sup>

Late in the fall of 1860, John Rose (who met a tragic death in 1863) and his partner McDonald, with "Doc" Keithley and George Weaver, set out from Keithley Creek in search of new diggings. Ascending that creek for about five miles, they took a course north-eastward up a ravine. Reaching Snowshoe Creek, a branch of Keithley, they followed it to its source, some six or seven miles further, near the summit of the watershed dividing the streams flowing into Cariboo Lake from those flowing eastward, northward, and westward into Bear, Willow, and Cottonwood rivers.<sup>69</sup> Thence the whole surrounding country lay unrolled before them. Northward and eastward the horizon was bounded by rugged and lofty mountains; towards the west and northwest the prospect was more level; while immediately below lay rolling hills intersected by valleys and ravines. 'Twas man's first view of Cariboo. Over the whole region lay the mantle of solitude and silence—gold existing without contention or struggle. Traversing this summit in the same general direction they came upon another creek, at a distance of about twenty miles from Keithley. The creek winds through the centre of a narrow valley and is surmounted by hills sloping down to flats and benches of alluvial deposit; the bed-rock on which gold was found lay but a short distance under the surface, and in many places cropped out.<sup>70</sup> Here was the richest deposit yet found in British Columbia—considerable

<sup>67</sup> Bancroft, B. C., p. 489.

<sup>68</sup> Id.

<sup>69</sup> B. C. Papers, pt. 4, p. 50.

<sup>70</sup> B. C. Papers, pt. 4, p. 51.

quantities of gold being found on the bare rock. One pan produced \$25—a second, \$75.<sup>71</sup> The fortunate prospectors, however, had their ardour somewhat cooled the next morning by awakening to find a foot of snow on the ground.<sup>72</sup> Here, again, besides the actual value of the find, was the strengthening of their faith in the auriferous nature of the country, for they found a kind of slate rock covered with red gravel and said to bear a close resemblance to the gold-producing beds of Californian streams.<sup>73</sup> These discoverers tried to keep the secret; but gold, like murder, will out.

Returning to Keithley Creek for provisions, an incautious word at "Red-headed" Davis's store gave the clue, and in midwinter, on snowshoes, over four or five feet of snow, miners set out from Keithley to stake the vacant ground on Antler. Many claims were recorded, and, in several instances, the same ground was taken up by different parties. This led to disputes. Mr. Nind, the Gold Commissioner for the district, with headquarters at William's Lake, came in over the snow to settle these conflicting claims. Arriving in March, 1861, he found, on Antler Creek, one log cabin, built by Rose and McDonald; the remainder of the men were living in holes dug in the snow, which was six or seven feet deep. Even under these conditions some prospecting was being carried on, with successful results, though the labor of clearing away the snow and sinking holes to bed-rock was excessive.

#### WILLIAMS, LIGHTNING, AND LOWHEE CREEKS

But Antler Creek was only the portal of Cariboo, a region studded with mountains of considerable altitude, closely packed together. This creek coursed around the greatest of the three great peaks of Cariboo—Mount Agnes, commonly called the Bald Mountain. Impressively grand and sublime are these majestic spurs of the Rockies, towering to six thousand and seven thousand feet. The land of Golden Promise, so firmly believed in, so earnestly sought for, lay just on the other side of Mount Agnes, only twelve miles away.

When the mid-winter rush was made upon Antler Creek, a party,

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<sup>71</sup> *Puget Sound Herald*, April 18, 1861.

<sup>72</sup> *Overland Monthly*, vol. 3, p. 526.

<sup>73</sup> B. C. Papers, pt. 4, p. 51.







THE CAMERON, TINKER, AND WATTE CLAIMS, CAMERON, WILLIAMS CREEK



TILTON CREEK, CARIBOO ROAD



OLD VIEW OF BLACKSMITH SHOP, YALE

amongst whom were Edward Stout, Michael Burns, "Fidele" or Vital, and William Dietz (commonly called Dutch Bill), started in search of other fields. Crossing the ridge which culminates in Mount Agnes, they kept to the northward and descended upon a creek which forms the head waters of Willow River. This was Williams Creek, the richest, the most celebrated of all the Cariboo creeks. Dutch Bill, its discoverer, after whom it was named, found gold at the canyon, a spot about half way between Richfield and Barkerville, as afterwards located. He died in Victoria in 1877—like many others of Cariboo's famous miners, miserably poor.<sup>74</sup>

At first Williams Creek gave no hint of its immense deep-hidden wealth. The canyon where discovery was made was the very poorest part. Dutch Bill's prospecting gave about 75 cents to the pan, yet that was good pay, but in no wise suggestive, even to the most optimistic, of the world-renowned richness of the Steele, the Diller, the Cameron, and the Ericsson claims.<sup>75</sup> Returning, the party spread the news of their find, and pell-mell went the mad rush to Williams Creek. No roads or trails existed in the Cariboo country at the time, and each party took the course which they judged best, for, as already mentioned, from the tops of the ridges Cariboo was like an open book. Thus in making from Quesnel River and Keithley Creek to Williams the miners came upon Lightning Creek, which empties into Swift River and Lowhee Creek, flowing into Jack of Clubs Lake. The origin of these names may be of interest. The latter creek was discovered by Richard Willoughby in 1861 and named by him in honor of the "Great Lowhee," a secret society at Yale, in which he was a prominent member. The former owes its name to the following incident. A party, while traveling through its valley, were suddenly overtaken by one of those thunder-storms common in the mountain regions; and one of the party, feeling greatly inconvenienced by the severity of the storm—being drenched to the skin—exclaimed aloud, "Boys, this is lightning," feeling fully convinced that this was the most emphatic expression he could use to express his opinion of the inclement weather.<sup>76</sup> Another version of this story is that: "Early in 1861, 'Bill' Cunningham, 'Jack' Hume, and

<sup>74</sup> Bancroft, B. C., p. 484.

<sup>75</sup> Overland Monthly, vol. 4, 261.

<sup>76</sup> Overland Monthly, vol. 4, p. 262; Mining Report, 1875.



THE CAMERON, TINKER, AND WATTE CLAIMS, CAMERON, WILLIAMS CREEK



TILTON CREEK, CARIBOO ROAD



OLD VIEW OF BLACKSMITH SHOP, YALE



amongst whom were Edward Stout, Michael Burns, "Fidele" or Vital, and William Dietz (commonly called Dutch Bill), started in search of other fields. Crossing the ridge which culminates in Mount Agnes, they kept to the northward and descended upon a creek which forms the head waters of Willow River. This was Williams Creek, the richest, the most celebrated of all the Cariboo creeks. Dutch Bill, its discoverer, after whom it was named, found gold at the canyon, a spot about half way between Richfield and Barkerville, as afterwards located. He died in Victoria in 1877—like many others of Cariboo's famous miners, miserably poor.<sup>74</sup>

At first Williams Creek gave no hint of its immense deep-hidden wealth. The canyon where discovery was made was the very poorest part. Dutch Bill's prospecting gave about 75 cents to the pan, yet that was good pay, but in no wise suggestive, even to the most optimistic, of the world-renowned richness of the Steele, the Diller, the Cameron, and the Ericsson claims.<sup>75</sup> Returning, the party spread the news of their find, and pell-mell went the mad rush to Williams Creek. No roads or trails existed in the Cariboo country at the time, and each party took the course which they judged best, for, as already mentioned, from the tops of the ridges Cariboo was like an open book. Thus in making from Quesnel River and Keithley Creek to Williams the miners came upon Lightning Creek, which empties into Swift River and Lowhee Creek, flowing into Jack of Clubs Lake. The origin of these names may be of interest. The latter creek was discovered by Richard Willoughby in 1861 and named by him in honor of the "Great Lowhee," a secret society at Yale, in which he was a prominent member. The former owes its name to the following incident. A party, while traveling through its valley, were suddenly overtaken by one of those thunder-storms common in the mountain regions; and one of the party, feeling greatly inconvenienced by the severity of the storm—being drenched to the skin—exclaimed aloud, "Boys, this is lightning," feeling fully convinced that this was the most emphatic expression he could use to express his opinion of the inclement weather.<sup>76</sup> Another version of this story is that: "Early in 1861, 'Bill' Cunningham, 'Jack' Hume, and

<sup>74</sup> Bancroft, B. C., p. 484.

<sup>75</sup> Overland Monthly, vol. 4, 261.

<sup>76</sup> Overland Monthly, vol. 4, p. 262; Mining Report, 1875.

'Jim' Bell, three gold hunters, started southward over the mountains from Jack of Clubs Creek on a prospecting tour. They found the trip exceedingly rough and laborious, especially in descending the steep banks of the creek they came to. The former called out to his companions, 'Boys, this *is* lightning,' it being a favourite expression with him in meeting anything difficult to overcome."<sup>77</sup>

Every creek proved to be gold-bearing. The news of their richness, not losing by repetition, the Fraser, the Thompson, and the Rock Creek diggings, which for some time had been gradually falling into the hands of the Chinese, were practically abandoned to them. On Fort Yale Bar, which lay at the foot of the high bank of Water Street, in front of the Hudson's Bay Company's property, the miners were, in 1861, prohibited by Mr. E. Howard Sanders, the Assistant Gold Commissioner, from further mining operations, owing to the danger of undermining the wagon road. At that time the ground was paying an ounce a day to the man.

So the spring and summer of 1861 saw the mountains of Cariboo swarming with eager miners, many of whom had left good diggings in the lower country.

Williams Creek, for a time, gave such poor results that it was called Humbug Creek. During the early summer of 1861 mining was confined to the portion above (i. e., south of) the canyon. There the pay dirt, the bed of the old creek, lay close to the surface, usually within eight or twelve feet. At that depth, a hard blue clay was met, which was supposed to be the bed-rock, and upon it good pay was found. But later in that year Mr. Abbott of the Jourdan and Abbott claim, while his partner was away for the day obtaining provisions, concluded to go through this clay and ascertain what lay below. Piercing it, he found below a stratum of gold-bearing gravel, so rich that when his partner returned, after a lapse of forty-eight hours, he produced fifty ounces as the result of his explorations. Up to this time only six claims on the creek had produced gold. With this news all was changed. Hundreds crowded other hundreds in a mad rush. The whole creek and the hillside for a distance of six miles was literally covered with miners and mining claims, now increased to one hundred feet square.<sup>78</sup> The only spot neglected, strange as

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<sup>77</sup> Mining Report, 1875, p. 608.

<sup>78</sup> Brown, B. C., p. 30.

it may seem, was the spot in the canyon where Dutch Bill had first found the gold.<sup>79</sup> But while above the canyon the diggings were shallow, permitting the barren covering to be washed off and the use of sluices and bed-rock flumes, yet below the canyon conditions were totally different. The pay dirt there lay fifty or sixty feet below the present level. Shafts must be sunk, drifts made, and tunnels driven; pumps would be required to keep the workings dry, and hoisting gear to raise the dirt to the surface to be washed.<sup>80</sup> This work could be carried on throughout the year, while the advent of winter prevented all operations in the surface diggings above the canyon.

Douglas reported that the least Abbott and Jourdan took out, with three men, was one hundred and twenty ounces per day. "They have a flour sack of gold fourteen inches high."<sup>81</sup> The gold on this creek was rounded and water-worn and of the fineness .830.<sup>82</sup> Judge Begbie reported in September, 1861, that the Abbott and Jourdan claim, and the Steele claim, which were both in the shallow diggings above the canyon, were producing thirty to forty pounds of gold per day;<sup>83</sup> and that Steele had informed him that they had taken out in one day three hundred and seventy ounces. The greatest day's yield of the Steele claim in 1861 was four hundred and nine ounces.<sup>84</sup>

On Lowhee, Willoughby, the discoverer, with from four to seven men, between July 27 and September 8, 1861, took out three thousand and thirty-seven ounces, worth about \$50,000, from a strip four hundred feet along the creek by twelve feet wide.<sup>85</sup> In no place did his excavation to bed-rock exceed four feet, and usually but three. A Mr. Patterson and his brother brought back \$10,000 as a result of five weeks' mining on Lowhee.<sup>86</sup> Their largest day's return was seventy-three ounces, worth about \$1,200. The gold on this creek was in rough, jagged pieces, sometimes weighing six or even ten ounces. Its quality was .930.<sup>87</sup>

<sup>79</sup> Overland Monthly, March, 1870.

<sup>80</sup> Brown, B. C., p. 30.

<sup>81</sup> B. C. Papers, pt. 4, p. 58.

<sup>82</sup> Brown, B. C., p. 30.

<sup>83</sup> B. C. Papers, pt. 4, p. 60.

<sup>84</sup> Brown, B. C., p. 30.

<sup>85</sup> *British Columbian*, Oct. 3, 1861.

<sup>86</sup> B. C. Papers, pt. 4, p. 58.

<sup>87</sup> Brown, B. C., p. 31.

On Lightning Creek, Mr. Ball reported, on October 1, 1861, that one Ned Campbell had taken out the almost fabulous sums of nine hundred ounces the first day, five hundred ounces the second day, and three hundred ounces the third day.<sup>88</sup> Another authority says that this claim, which cost \$25,000 to open, returned \$100,000 in three months. The bed-rock on Lightning, where first mined, was from eight to thirty feet below the surface.

The returns from Antler Creek for 1861, while respectable, are far, far below such colossal figures as the above. One company of four men were making from four ounces to nine and one-fourth ounces each per day; and the ordinary yield was from \$20 to \$50 per day for each man employed.<sup>89</sup> The Rev. R. C. Lundin Brown records his being present when \$1,000 were taken out of the sluice boxes as the result of one day's work.

On Keithley Creek, in 1861, the returns were smaller.<sup>90</sup> Several companies were making from \$50 to \$100 per day to the man in the bed of the creek, and somewhat better in the bench diggings. Most of the miners were making from two ounces to three ounces per day. During this summer there were some two hundred men on the creek. Outside of the mining upon the creek itself, Keithley—the collection of houses at the mouth of the creek—was the supply centre for the Cariboo Lake and North Quesnel region.

In February, 1861, a distinguished visitor, in the person of Lady Franklin, the widow of Sir John Franklin, the celebrated, but ill-fated Arctic discoverer, arrived in the colony. She remained about three months. Wherever she went she was the recipient of addresses from the people and every kindness was shown her. Her travels extended as far as the Little Canyon above Yale. Lady Franklin rock, near that town, was named in her honour.

#### THE DEEP DIGGINGS OF CARIBOO

So ends the year 1861. Taken all in all, a very successful year. Statistics give the output of gold for 1861 as \$2,666,118.<sup>91</sup> But beyond this, and more important, was the general feeling that all

<sup>88</sup> B. C. Papers, pt. 4, p. 61.

<sup>89</sup> B. C. Papers, pt. 4, p. 53.

<sup>90</sup> B. C. Papers, pt. 4, p. 60.

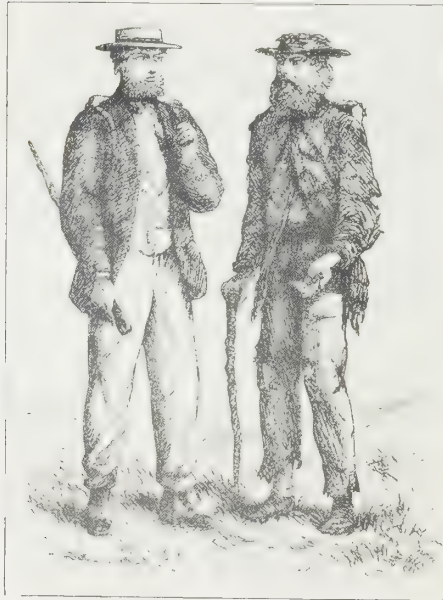
<sup>91</sup> Year Book, 1897, p. 391.







A FARMSTEAD IN BRITISH COLUMBIA



TO THE DIGGINGS AND FROM THE  
DIGGER

the creeks of Cariboo were gold-bearing. To the outside world went reports of great "finds"—stories of men who in a short season had sprung from penury to wealth—exaggerated tales of rich deposits as wondrous as those that Ali Baba and Aladdin found. "The excitement respecting the Cariboo mines is fast reaching fever heat in this vicinity. People will not think of or talk about anything else, even the battles of the Rebellion are forgotten or cease to interest them, so engrossing is the subject of the new mines. Everybody talks of going to the Cariboo Diggings in the spring. We may, therefore, confidently look for a rush to these mines next season, equalled only by the Fraser River excitement of '58. So far as we can learn, every miner from this new gold field has brought with him from \$5,000 to \$20,000, all of which has been obtained in the short space of two or three months."<sup>92</sup>

Here was the genesis of the "rush" of 1862—not from California alone, but from the Eastern States and the Canadas, from the British Isles and the Continent. These immigrants came principally by the recognized route by way of Panama, San Francisco, Victoria, and thence up the Fraser. But as in 1858, so in 1862, when the end of navigation was reached miles of forbidding and dangerous land travel intervened. As the song ran,

"Five hundred miles to travel where naught but mosses grew  
To cheer the weary traveller on the road to Cariboo."

Many who set out with determination faltered and fell by the wayside. Some parties also came by the overland route from St. Paul through Winnipeg, or Fort Garry, along the Saskatchewan, across the Rockies by the Yellowhead Pass and down the Fraser; but as they did not reach Cariboo until the end of 1862, their experiences will be dealt with later.

The Gold Commissioner of Cariboo, in the fall of 1861, had "laid over" the claims until June 1, 1862; that is to say, he had suspended until that date the operation of the law which rendered a claim invalid if it remained unworked for seventy-two hours.<sup>93</sup> This was necessary, as the mining then being confined to shallow

<sup>92</sup> *Puget Sound Herald*, Oct. 24, 1861.

<sup>93</sup> Proclamation, Sept. 7, 1859, Sec. 12.

Vol. II—6

diggings—from three to twelve feet in depth—it was impossible to carry it on during the rigorous winter of Cariboo. By the end of May probably six thousand miners had entered Cariboo, making their way under great difficulties, so as to be on the ground when the “lay over” should expire. Some had in three weeks walked the whole distance from Lillooet, carrying fifty and sixty pound packs.<sup>94</sup> Over two thousand expectant men were on Williams Creek alone. Thus was created an unprecedented demand for food and supplies, and these, becoming very scarce, commanded famine prices; for example, flour, bacon, beans, and salt were \$1.50 a pound, dried apples \$2.50 a pound, and gum-boots \$42.50 a pair.<sup>95</sup> The “lay over” period was extended to July 1st. This, with the high prices, disheartened many, who returned to the lower country. While some of the disappointed denounced the country as a humbug, the majority had faith in Cariboo, only complaining of being starved out. They were loud in their demand for a road to the mines so as to provide sufficient supplies at reasonable prices, declaring that wagons must be employed, as there were not enough mules in the colony to bring in over the miserable trails then existing the necessary food and implements.

Very little prospecting in Cariboo marked 1862. Jack of Clubs Creek, Sugar Creek, twenty miles northeast of Lightning, Van Winkle, Chisholm, Davis, Last Chance, and Anderson, tributaries of Lightning, were tried, but the excessively high price of supplies prohibited development.

On Williams Creek mining went on above the canyon, where the shallow diggings continued to pay well. Edward Stout had ventured to try the mouth of Stout's Gulch, which is below the canyon, and had there found, at comparatively shallow depth, the dark colored, water-worn gold of Williams Creek; going deeper he found the bright, jagged, and more valuable Stout's Gulch gold. Encouraged by these results, William Barker, commonly called Billy Barker, had taken up a claim still further down Williams Creek, in the vicinity of the present town of Barkerville. The other miners ridiculed this action believing that all the gold was above the canyon; but he persevered and drew the prize of 1862.<sup>96</sup> “Billy Barker has struck

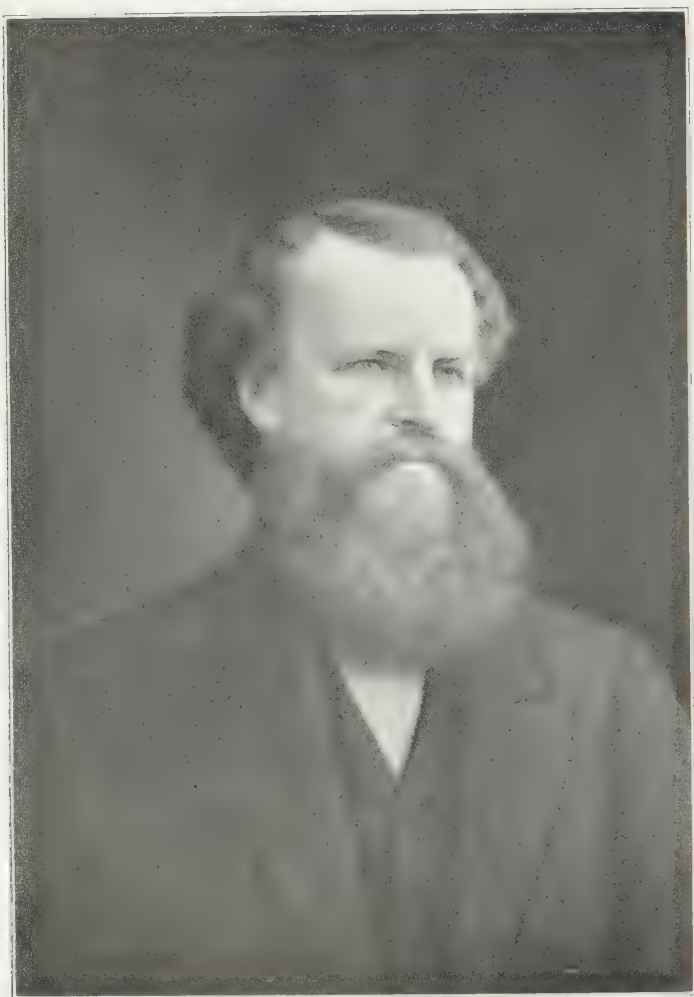
<sup>94</sup> *British Columbian*, July 2, 1862.

<sup>95</sup> *British Columbian*, June 18, 1862.

<sup>96</sup> *Overland to Cariboo*, p. 154.







“CARIBOO” CAMERON

the lead on Williams Creek on the flat below the canyon at a depth of fifty-two feet, obtaining \$5 to the pan."<sup>97</sup> A few days later the Canadian company was similarly fortunate. Then John A. Cameron, "Cariboo Cameron," found the lead even lower down the creek. Opinions changed. Below the canyon became the favorite spot. These deep diggings, from fifty to eighty feet, gave an air of permanency to Williams Creek, which contributed a large proportion of the \$2,656,903 credited to the mines of the colony during 1862.<sup>98</sup>

Lightning Creek, owing to the great expense attendant upon the opening of claims there, gave up but little of its treasure; still the greatest confidence was felt as to the ultimate result of operations thereon.<sup>99</sup> Being most extensive, it was expected that, with the advent of cheaper supplies, it would contribute its full quota towards the general yield. In 1862 shafts were sunk from Eagle Creek to Davis Creek, along Lightning, but below Van Winkle they were uniformly unsuccessful, being unable to cope with the water.

Antler Creek was regarded as coquettish in 1862. Although on its banks good prospects were obtained and rich hill diggings announced, still the result was disappointing.<sup>1</sup> One claim, Murray's, yielded in three days eighty-five ounces to each man employed; another, Hoy's, gave seventy-two ounces as the result of six men's work for half a day; while a third, Edward's, produced over \$3,000 in a week. These were the best, and their returns were much above the average.<sup>2</sup>

#### PEACE RIVER, STICKEEN TERRITORIES, AND SHUSWAP

Even Cariboo failed to write "finis" on the mining advance. The search reached into the Peace River region, where, in 1861, bar diggings were found. Such diggings are the ideal of the individual miner, as no capital is required. The pioneers in this region, Edward Carey and W. Cust, brought to Fort McLeod, in the fall of 1861,

<sup>97</sup> *British Columbian*, Sept. 6, 1862.

<sup>98</sup> *British Columbian*, Oct. 18, 1862; Year Book, B. C., 1897, p. 391.

<sup>99</sup> Mining Report, 1875, p. 608.

<sup>1</sup> *British Columbian*, Sept. 4, 1862.

<sup>2</sup> *British Columbian*, Oct. 8, 1862.

one thousand ounces of gold, and reported having washed out in one day seventy-five ounces apiece.<sup>3</sup> In 1862 a rush, small as compared to the Fraser and Cariboo rushes, took place.<sup>4</sup> This territory was reached by ascending the Fraser to Fort George, thence up the Nechaco and Stuart Rivers to Stuart Lake, thence across Stuart Lake ninety miles and across a portage to the Finlay branch of the Peace. The *Fort St. James Journal* records on July 10, 1862, the arrival of a party of six miners en route to that region. Other parties followed. The mere inaccessibility of the locality was a lure in itself. The opinion gradually gained ground that these northern mines were the long looked for *El Dorado*. The mystery surrounding the movements of these adventurers, who, disappearing into the wilds, would suddenly reappear for provisions and as suddenly vanish, was in the view of many a sure sign of a rich strike. In October, 1862, it was reported that the diggings on Peace River were paying \$100 a day to the man with rockers.<sup>5</sup> A party of five were reported to have made a half an ounce a day to the man during 1863 on every bar down to the junction of the Finlay with the Peace River.

In the examination of the northern rivers, the Stikine was not overlooked. During 1861 a miner named Choquette, about a hundred miles from its mouth, found good bar diggings, realizing with a very primitive rocker, \$51.50 in five days. He observed, as had been noticed on the Fraser, that the coarseness of the gold increased with the ascent. Indians, who were prospecting with him, frequently made \$9 per day each.<sup>6</sup>

These discoveries bore fruit in 1862, when this new mining region, being beyond the boundaries of British Columbia, was formed into the Stickeen Territories by an Order-in-Council dated July 19, 1862. Its boundaries were: on the west and southwest, the frontier of Russian America—the Alaska of today; on the south and southeast, the Colony of British Columbia; on the east the one hundred and twenty-fifth meridian of west longitude; and on the north the sixty-second parallel of north latitude. The Governor of British Columbia was named Administrator of Stickeen Terri-

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<sup>3</sup> B. C. Directory, 1863, pp. 204-5; *Victoria Weekly Colonial*, Feb. 23, 1870.

<sup>4</sup> *British Columbian*, Oct. 1, 1862.

<sup>5</sup> *British Columbian*, Oct. 18, 1862.

<sup>6</sup> Hazlitt's Cariboo, p. 133.







PEACE RIVER COALFIELD, MEASURES SHOWING ON JOHNSON CREEK



COAL-MEASURES SHOWING IN CANYON OF PEACE RIVER





tories, with power to appoint and suspend from office Judges, Justices of the Peace, Sheriffs, and other necessary officers, to exercise the royal clemency, remit fines and forfeitures, to make regulations regarding the use and occupation of lands, and to fix the terms under which gold, silver, and other minerals might be sought and removed. The law of England, as existing on January 1, 1862, so far as not from local circumstances inapplicable, was declared in force; the Supreme Court of British Columbia was given jurisdiction in civil and criminal matters arising in the new territory; the Justices of the Peace were authorized to deal with civil matters up to £50, and with criminal matters where the punishment or fine did not exceed two months' imprisonment or £50.<sup>7</sup>

The Stickeen Territories, as separate from the Colony of British Columbia, had but a short existence. In July, 1863, an act was passed by the Imperial Parliament whereby the greater part of Stickeen was included within the boundaries of the colony. The new limits of British Columbia were: on the south the frontier of the United States of America; on the west the Pacific Ocean and Russian America; on the north, the sixtieth parallel of north latitude; on the east the Rocky Mountains and the one hundred and twentieth meridian of west longitude, including Queen Charlotte Islands and all other islands, except Vancouver Island and those adjacent thereto.

Late in 1863 gold was discovered in the vicinity of Shuswap Lake, by William Peon. In two weeks, he and his partner took out \$300, and two Indians obtained \$50 in two days. The gold was small and scaly, but the diggings were shallow.<sup>8</sup> So important did the discovery seem that Mr. H. M. Ball, the Assistant Gold Commissioner at Lytton, set out in October to examine the new mining region. He reported that it was located two hundred miles from Lytton on the left bank of the Spallumcheen River. In his opinion, when the claims were properly opened they would yield from \$12 to \$16 a day, for he was informed by Narcisse, an intelligent Indian, that he had made \$12 a day with a rocker.<sup>9</sup> Though it was late in the fall, miners were flocking to the new diggings. In December, the Shuswap mines, as the locality was called, were only yielding from \$5 to

<sup>7</sup> Appendix to Revised Statutes of B. C., 1871, No. 53, p. 189.

<sup>8</sup> Lytton Letter Book, Sept. 14, 1863.

<sup>9</sup> Id., Nov. 3, 1863.

\$14 a day. Benjamin McDonald and Charles Kimble applied for a charter to build two bridges on the trail and to collect tolls on the traffic. The right was granted, but they took little by the grant, as the Shuswap region soon ceased to attract attention and was hidden from view by the Kootenay, towards which the tide of fickle adventurers now flowed.<sup>10</sup>

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<sup>10</sup> Lytton Letter Book, Nov. 16, 1863.

## CHAPTER VI

### THE ROADS AND TRAILS TO CARIBOO

During all this time the means of communication with the interior had been gradually improving. It is necessary, now, to trace these changes and the gradual evolution of that stupendous work, the Cariboo road.

When the miners arrived in 1858 the trails leading from the lower Fraser region were only the abandoned trail of the Hudson's Bay Company from Kamloops to Fort Yale, and the existing trail from Kamloops to Fort Hope. The former, keeping away from the river, led from Fort Yale to Spuzzum, where it crossed, followed the left bank of the Fraser to Ke-que-loose, later known as Chapman's Bar, six miles further, then, climbing to an elevation of two thousand feet, it descended to Anderson River. It followed that river to the source and, continuing at a great height, reached the Coldwater River and thence, in a northeasterly direction, across the Nicola to Kamloops.<sup>11</sup> The trail from Fort Hope ascended the Coquahalla, crossed Manson's Mountain to the Campement du Chevreuil at the head-waters of the Similkameen, and thence in a northerly direction by Campement des Femmes to Nicola Lake and Kamloops.<sup>12</sup> It will thus be seen that these routes were of comparatively small value to persons wishing to ascend the Fraser, and, moreover, owing to their elevation, they were snow-bound during about eight months of the year. But there existed then, as there had existed from the earliest times of which we have any record, Indian trails along the banks of the river—trails of which Simon Fraser has left us such a vivid description.

To get supplies into the region beyond Yale and to reach the mining bars above the canyons were the problems of 1858. The

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<sup>11</sup> Anderson's *British Columbia*, p. 97 (note).

<sup>12</sup> Anderson *Hand Book*.

raging torrent closed the river; the approach must be by land.<sup>13</sup> The "almost insurmountable barrier" which the country beyond Yale presented caused Douglas to give his attention to a route by way of the chain of lakes from Harrison Lake to the Fraser at Lillooet. This line of communication had been long known to the Hudson's Bay Company and had been mapped by Mr. A. C. Anderson, one of their chief traders.<sup>14</sup> The fact that only short bits of trail were necessary to connect the stretches of water appealed strongly to Douglas; but the question he had to solve was how to build these bits, short as they were, with the very limited funds in hand.

Late in July, 1858, he invited the miners then in Victoria to consider the undertaking.<sup>15</sup> The arrangement ultimately made was unique. Five hundred miners, divided into twenty companies of twenty-five men each under the command of a captain, were to be given free transportation from Victoria to the point where the trail was to commence, and to be supplied free with food during its construction.<sup>16</sup> They were to receive no remuneration for their labour in building the trail.<sup>17</sup> Each miner was to deposit \$25 as security for the fulfilment of his agreement, which sum was to be repaid in provisions at Victoria prices when the work was completed, together with a fair allowance to cover the carriage of such provisions to the end of the trail.

The first detachment, two hundred and fifty men, left Victoria in the *Otter* on August 5, 1858; the remainder followed on the 10th.<sup>18</sup> Their first act was to name the western terminus of the trail Port Douglas, in honour of the Governor. At the outset the work progressed rapidly, ten miles being built during the first four days, and when the whole body were at work, from four to six miles daily. But the transportation of materials and supplies became more serious with the increasing distance.<sup>19</sup> It was supposed that mules would be put on the finished trail for this purpose, and thus it was expected that the work would be completed in four or five weeks. Some delay and considerable disaffection arose over the failure to supply these

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<sup>13</sup> B. C. Papers, pt. 1, p. 23.

<sup>14</sup> *Victoria Gazette*, July 29, 1858.

<sup>15</sup> *Victoria Gazette*, July 29, 1858.

<sup>16</sup> *Victoria Gazette*, Aug. 3, 1858; Aug. 4, 1858.

<sup>17</sup> B. C. Papers, pt. 1, p. 28.

<sup>18</sup> *Victoria Gazette*, Aug. 6, 1858; Aug. 11, 1858.

<sup>19</sup> *Victoria Gazette*, Aug. 19, 1858.







MOUNTAIN ROADS



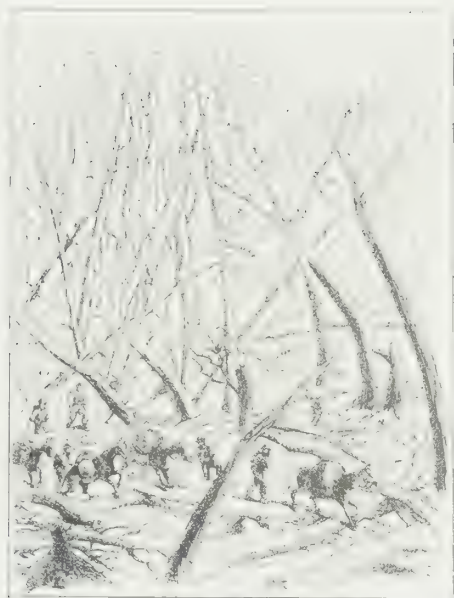
GAOL AT DOUGLAS



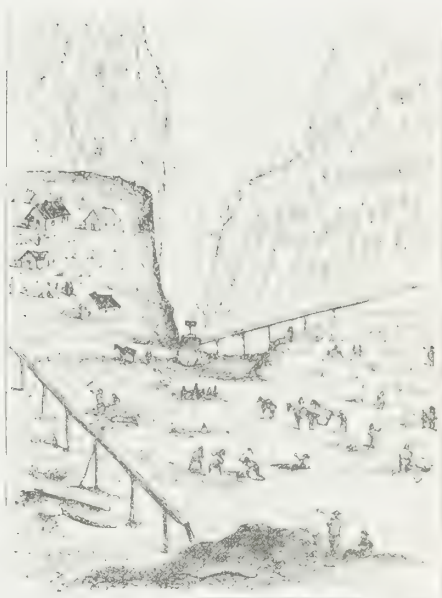
THE START FROM LILLOOET



DRAWING OUT TREE-STUMPS WITH CATTLE



ROUTE OVER FALLEN TREES



HUTS AND STORES AT ANTLER'S CREEK



CROSSING A RIVER ON A FELLED TREE



HOUSES AT DOUGLAS





animals promptly, for in the interval all supplies had to be carried by the men themselves.<sup>20</sup> The trail was completed about the end of September. It was not a mere mule trail, but was well built, with bridges at all necessary points, and almost sufficiently wide for wagon use. Its entire length, including the lakes, was about one hundred miles. As completed, goods could be packed over it for 20 cents a pound.<sup>21</sup> Some difficulty occurred in arranging the amount to be allowed for the transportation of the road-makers' supplies from Douglas to Lillooet. The men thought that 20 cents a pound should be allowed, while the representative of the Government would allow but 4 cents.<sup>22</sup> When the question came before the Governor himself, he directed that the promised supplies be either transported over the trail to Fraser River at the colony's expense, or a fair allowance, which he fixed at 18 cents a pound, be made to the men therefor.<sup>23</sup> Though built on this coöperative plan, its cost, i. e., transportation of men and materials, supplies, and sustenance, was £12,064 17s. 8d.<sup>24</sup>

This trail gave ready access to the Fraser at Lillooet, reducing, consequently, the cost of food on the bars in that vicinity. At this time the charge for packing from Fort Yale to the Forks (Lytton) was 46½ cents, while from Douglas to Lillooet—almost double the distance—it was, by this work, reduced to 18 cents a pound.

But the gradual advance from Yale had shown the auriferous nature of all the bars between that point and Lytton. Hence, while the trail to Lillooet afforded access to the upper Couteau and Canoe countries, it gave no relief as regarded the territory between Yale and Lytton. The Hudson's Bay Company's Brigade trail, as far as Spuzzum and Anderson River, and the Indian trails, were the lines of communication. In August, Douglas called for proposals to cut a mule trail from Yale by way of Douglas Portage to Spuzzum (sometimes called the Rancheria), and thence for a distance of thirty-five miles along the river. It was to be a trail over which a mule could pack two hundred and fifty pounds.<sup>25</sup>

While this was under consideration, a company of one hundred

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<sup>20</sup> *Victoria Gazette*, Oct. 7, 1858; Oct. 23, 1858.

<sup>21</sup> *Victoria Gazette*, Sept. 7, 1858.

<sup>22</sup> *Victoria Gazette*, Oct. 23, 1858.

<sup>23</sup> *Victoria Gazette*, Oct. 26, 1858.

<sup>24</sup> B. C. Papers, pt. 3, p. 3.

<sup>25</sup> *Victoria Gazette*, Aug. 17, 1858; Aug. 28, 1858; B. C. Papers, pt. 2, p. 6.

and sixty men and four hundred mules and horses, in command of David McLaughlin, arrived at Lytton. They had made their rendezvous at Walla Walla. Learning from Mr. Wolfe, a trader of Fort Colville, who, with a band of beef cattle, joined them there, that the Indians were hostile, the party adopted a semi-military organization. Four divisions were formed and placed under the command of James McLaughlin, Hambright, Wilson, and Tucker. A German who lagged behind, while crossing the Columbia Plains was taken by the Indians and murdered. Near the boundary line, and on the east side of the Okanagan River, the party met the Indians in force and strongly entrenched. When the latter fired, the whites took shelter behind the rocks and returned the fire. All the afternoon the battle continued. Hurley, Evans, and Rice, three Californians, were killed, and six others wounded. Five horses were also lost in the conflict. During the night the Indians set fire to the grass to burn out the whites, but the latter set counter fires, and both held their positions. In the morning the savages had decamped. From the breastworks which they had erected it was evident that about a hundred Indians had been engaged in the encounter.

A few days later a large band rode down upon the party and endeavored to stampede their animals. Failing in the attempt, peace was made. No sooner had this been arranged than the Indians stole about sixty of Mr. Wolfe's cattle. McLaughlin's men, finding them in the act of jerking the beef, took them prisoners and were about to execute speedy justice upon them when Chief Trader Allen McDonald of Fort Colville most opportunely arrived on the scene, and at his earnest intercession the malefactors were released.<sup>26</sup>

The whole journey occupied about thirty days. The trail was described as being so bad that one, who had once travelled it, would not desire to do so again. Amongst the party was Mr. John Alway, who became one of the earliest packers in the colony.<sup>27</sup>

Immediately after their arrival, one hundred of the mules were sent down the river trail towards Yale. When this news reached Yale, a meeting of the miners was held and about a hundred men volunteered to render the trail by way of Spuzzum and Boston Bar, i. e., a portion of the Brigade and existing Indian trails practicable

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<sup>26</sup> Bancroft's History of B. C., pp. 367, 368.

<sup>27</sup> *Victoria Gazette*, Aug. 24, 1858.





VIEWS ALONG THE CARIBOO ROAD



for pack animals.<sup>28</sup> They set to work in earnest and made the trail as far as Spuzzum so passable that a mule could travel it with a load of two hundred pounds. The Governor took up the work where these volunteers ceased.

From Fort Yale to the Ferry the trail was in fair condition, but the remainder of the distance to Lytton (the Forks) was very rough, full of big logs and difficult places to travel, though loaded mules managed to pass over.<sup>29</sup> By September 7th it was estimated that five hundred mules were packing over this trail from Yale to Lytton. The prices for packing were, at first: to the Rancheria (Spuzzum), 6 cents a pound; Ferry,  $\frac{1}{2}$  cent; beyond, as far as the Forks, 40 cents; total,  $46\frac{1}{2}$  cents a pound.

Besides this, which is known as the mule trail, there were two others known as the "Lower" and "Upper" Canyon trails. The former was a rough path carried along a ledge of boulders at the bottom of the canyon, but only passable when the water was low. The upper trail passed from ledge to ledge at a height varying from fifty to eight hundred feet above the river. They connected with the mule trail and afforded short cuts to those whose nerves were strong enough to stand the strain. The test came in rounding the cliffs. Here the Indians had suspended poles by ropes of deer hide and fibre, and in passing there was nothing for the traveller to grasp; he could only stretch out his arms and clasp the face of the rock, keeping as close to it as possible; if he became dizzy, or made a false step, the pole would of course swing away and place him in danger of toppling off.<sup>30</sup> Yet the Indians who were accustomed to the work used these two trails for packing in supplies for the miners when the mule trail, owing to its elevation, was blocked with snow. The miners themselves were also, perforce, obliged to use the same routes, dangerous as they were, and to carry their provisions along this hazardous pathway during a great portion of the year.

Judge Begbie passed over these trails in the following April. He describes them as being: "Utterly impassable for any animal but a man, a goat, or a dog." He adds: "It might, doubtless, be very much improved. In many places a very painful and dangerous ascent

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<sup>28</sup> *Victoria Gazette*, Sept. 1, 1858.

<sup>29</sup> *Victoria Gazette*, Sept. 7, 1858.

<sup>30</sup> *Mayne*, B. C., pp. 105, 106.

and descent of twenty minutes, in the whole course of which the traveller depends almost as much on his hands as on his feet, brings the path to within a few yards of the projecting precipice, through which a few pounds of powder would have made an easy way.”<sup>31</sup>

Lieutenant Mayne had no better opinion of these trails through the canyons: “The ground over which the trail passes is the roughest on which I have ever travelled, the greater part of it being over sharp-pointed rocks or granite boulders. Some of the ascents in the Great Canyon, which is six miles long, are from 30° to 60° and nearly perpendicular over the water.”<sup>32</sup>

The mule trail, as already described, served the purpose during 1859 also; in July, mule trains loaded with provisions were leaving Yale almost every day.<sup>33</sup> But the *détour* along the Douglas Portage called for attention, and in August the Gold Commissioner at Yale states: “It would be an incalculable benefit to the town were a bench to be blasted out of the soft slate (?) rock at the mouth of the small canyon immediately above Yale, opening a direct connection with the river trail—at present a circuit of nearly ten miles has to be made over almost inaccessible heights.” Another letter from him a few months later throws light on conditions: “The bridge crossing Ross Creek between this and Spuzzum suffered some damage during the late freshet, the centre upright being slightly dislodged. I am in hopes that the traders and packers will come forward with the sum necessary for its repair, as it is estimated that £20 will be ample for the purpose. Should they, however, neglect to do so within a reasonable time, I beg to be authorized to expend the amount out of the public moneys, as another freshet would, in all probability, carry the bridge away entirely.”<sup>34</sup>

#### ROAD BUILDING

In 1860, the Governor entered upon his road construction policy. He had realized from the beginning that roads were a prime necessity, but mining is proverbially uncertain, and the unstable mining community, rushing hither and thither, as reports of rich strikes

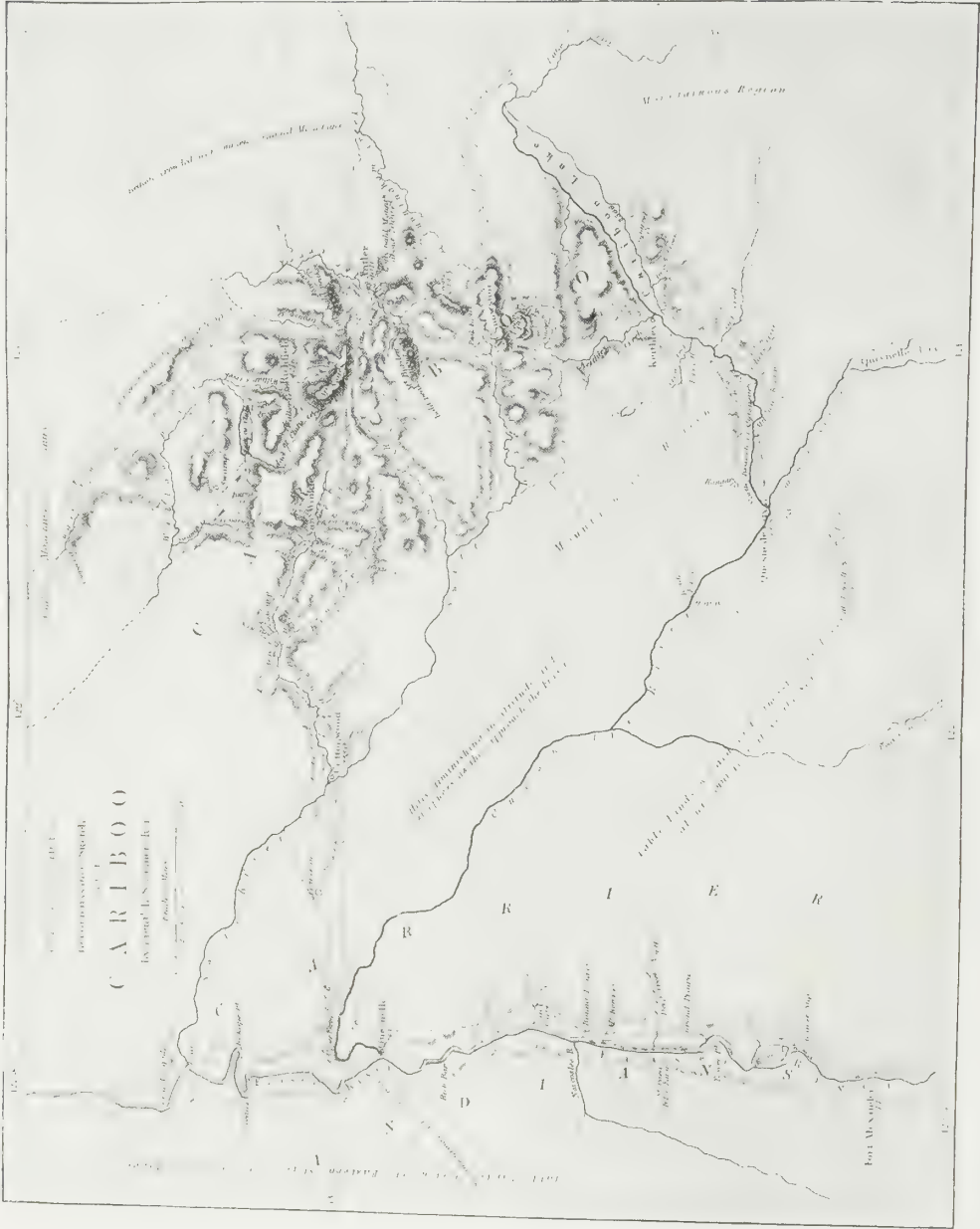
<sup>31</sup> Begbie's Report in Royal Geographical Society, Dec. 12, 1859, p. 237.

<sup>32</sup> Mayne in Royal Geographical Society, Dec. 12, 1859, p. 214.

<sup>33</sup> Letter E. H. Sanders to Colonial Secretary, July 2, 1859, in Yale Record Book.

<sup>34</sup> Same to Same, Aug. 17, 1859.







reached them, kept in doubt the proper line of permanent roadway. However, it was plain that access to the interior must be given. The first step was to transform the existing trail from Douglas to Lillooet into a wagon road. After Lieutenant Palmer had examined it, in May, 1859, about a hundred men of the Royal Engineers were employed in improving the portion near Douglas.

In March, 1860, Captain Grant, R. E., with eighty men of the corps, spent some time endeavoring to deepen the channel through the shoal of Harrison River so as to allow uninterrupted navigation at all stages of the water as far as Douglas. Later this party resumed work on the road and, by October, with the assistance of some civilians, completed it from Douglas to the twenty-eight mile house at Little Lillooet Lake in such a manner as to receive the highest encomiums from the Governor.<sup>35</sup> A number of freight wagons were placed on this section, and thus the cost of transportation was again reduced.<sup>36</sup>

In the following year the Royal Engineers continued their work on the same portion, reducing the grades and improving the road-bed. When it was completed Lieutenant Mayne described it as "a wagon road which would be no discredit to many parts of England."

The contract for the Douglas-Lillooet road on the second portage—Lillooet Lake to Anderson Lake, a distance of twenty-four miles—was in August, 1861, awarded to Colquhoun & Company.<sup>37</sup> This was to be eighteen feet in width instead of twelve feet. The contractors were unable to complete the undertaking beyond the first eight miles.<sup>38</sup> In August, 1861, the contract for finishing it was awarded to Joseph W. Trutch, for £6,100, payable £3,000 in bonds and the remainder in cash.<sup>39</sup> In October, 1861, he had one hundred and fifty men at work and was pressing construction rapidly forward. Between Anderson and Seton Lakes—one and one-half miles—Mr. P. Smith had a tramway in operation by the fall of 1861. From Seton Lake to Lillooet—four miles—the road was built by Mr. Watson and completed by November 1, 1861.<sup>40</sup>

<sup>35</sup> Royal Engineers in B. C., p. 7.

<sup>36</sup> B. C. Papers, pt. 4, p. 23.

<sup>37</sup> *British Columbian*, Aug. 8, 1861.

<sup>38</sup> *Id.*, Oct. 10, 1861.

<sup>39</sup> Proclamation, Oct. 29, 1861.

<sup>40</sup> *British Columbian*, Oct. 17, 1861.

With the opening of navigation in 1862, freight wagons and stages were in operation over the whole extent of the Douglas-Lillooet route. Steamers were plying on the various lakes—the *Marzella* on Lillooet Lake, the *Lady of the Lake* on Anderson Lake, and the *Champion* on Seton Lake.<sup>41</sup>

In August, 1860, a contract was made with Mr. Edgar Dewdney (afterwards Lieutenant-Governor Dewdney), with whom Walter Moberly was associated, to build a trail from Fort Hope to Similkameen, the Dewdney trail commonly called, for £76 per mile, payable £1,000 in cash and the remainder in bonds bearing six per cent interest redeemable in December, 1860, 1861, and 1862.<sup>42</sup> The location of this trail was selected by a party of the Royal Engineers under Sergeant McColl, who succeeded in carrying it over an elevation of four thousand feet with no greater single gradient than one foot in twelve.<sup>43</sup>

Taking the hint which the Gold Commissioner at Yale had thrown out, the Governor determined to build a trail along the mountain side from Fort Yale to Spuzzum, and from that point to Boston Bar, following the course of the Fraser at a moderate elevation. As already stated, the Brigade trail could only be used during about four months in the year. In June, 1860, a contract was made with Franklin Way of Spuzzum and Josiah C. Beedy of Yale, to build this trail, as far as Spuzzum, for £4,400, payable by the delivery of eighty-eight bonds of £50 each bearing interest at six per cent, sixteen of which were redeemable on January 1, 1861 and 1862, and the remainder on January 1, 1863. This arrangement was afterwards altered. In August, 1860, the Gold Commissioner at Yale paid these contractors £300. Reporting this fact, he adds: "It is very necessary that I should have, as early as possible, the balance of the portion (£1,000) which His Excellency, the Governor, promised should be paid to the above named contractors in cash—as they will be entitled to another large payment in a very few days."<sup>44</sup> Thus, instead of the original agreement to accept payment in bonds, payment in cash had been substituted. The accounts for 1860 show the cost of this trail to have been £4,426. Messrs. Powers and McRoberts, in the same

<sup>41</sup> *British Columbian*, April 17, 1862.

<sup>42</sup> Proclamation, Aug. 20, 1860.

<sup>43</sup> Royal Engineers in B. C., p. 7.

<sup>44</sup> Letter Aug. 3, 1860, E. H. Sanders to Colonial Secretary.







VIEW ALONG THE CARIBOO ROAD



VIEW ALONG THE CARIBOO ROAD

summer, built the trail from Spuzzum to Boston Bar at the mouth of Anderson River. Remains of this trail may yet be seen here and there, usually at a higher elevation above the river than that at which the wagon road was afterwards built. The cost of this portion of the trail is given in the accounts of 1860 as £3,446.<sup>45</sup> When the Governor made a tour of the colony in October, 1860, the trail was completed and open for traffic. "In riding over the face of these frowning cliffs, which a twelvemonth ago seemed to defy all efforts at improvement, it was impossible to suppress a feeling of thankfulness and intense gratification at the successful issue of our labours and their probable influence on the trade and development of the country. The arduous part of this undertaking—excavating the mountain near Yale—was executed entirely by a detachment of Royal Engineers under Sergeant-Major George Cann, and it has been completed in a manner highly creditable to themselves and to the officers who directed the operation."<sup>46</sup>

The plan of making future generations bear a share of the cost of roads and trails did not appeal to Douglas. The present must carry its own burdens. He has been much criticized for the introduction of the toll system; but, as will be shown when his fiscal policy is dealt with, the colony received very little assistance from the mother land—indeed the Secretary of State for the Colonies stated in the House of Commons, "Never had any young colony cost so little as British Columbia."<sup>47</sup> In October, 1860, the Governor issued his first Toll Ordinance, the preamble of which shows his viewpoint: "And whereas, in the course of the past year the cost of carriage to points beyond the said mountains [i. e., the Cascades] has been lessened by fully the moiety thereof, viz., by sums varying from 6*d.* to 1*s.* on the carriage of each pound weight avoirdupois." By that proclamation he levied a toll of 1*s.* on every fifty pounds of goods carried beyond Douglas in the direction of Lillooet, a similar rate on goods carried by land or water from Yale in the direction of Spuzzum, and from Hope in the direction of Boston Bar or Similkameen. Miners' packs not exceeding thirty pounds and goods *bona fide* the property of Indians were exempt from this charge.<sup>48</sup> Evasion of tolls was to be

<sup>45</sup> B. C. Papers, pt. 3, p. 45.

<sup>46</sup> B. C. Papers, pt. 4, p. 30.

<sup>47</sup> *British Columbian*, Sept. 16, 1863.

<sup>48</sup> Proclamation, Oct. 15, 1860.



treated as smuggling, subjecting the offender to a penalty and to forfeiture of the animals and vehicles employed.

Early in 1861 the excitement at Rock Creek and in the Okanagan induced the Governor to undertake to replace the Dewdney trail with a wagon road. This work was in charge of Captain Grant, R. E., who, with a party of eighty sappers and ninety civilians, completed it by October to the Skagit Flats, a distance of about twenty-five miles. Beyond that point this party merely changed the location of the trail to obtain a better grade, for, by this time, the Cariboo country had become a veritable magnet, drawing to itself, by the glowing reports of its richness the miners of the lower country.

#### MULE TEAMS AND CAMELS

The great Cariboo wagon road—the Appian way of British Columbia—reaching from Yale to the heart of the mining region, amidst the tumultuous mountain masses of Cariboo—had not yet been dreamed of. The boldest financier might well hesitate and draw back when, from the mule trail or the Upper or Lower Canyon trails, he surveyed the Little Canyon and the Big or Black Canyon of the Fraser and estimated the cost of a passable wagon road where a goat could scarce have gained a foothold. We now approach the commencement of that eighth wonder of the world. As a necessary result of its construction, the picturesque mule trains soon passed away, for they could not successfully compete with freight wagons. It is fitting, therefore, that a few words should be inserted descriptive of this early means of conveyance, now disappeared forever.

The mule trains usually consisted of from sixteen to forty-eight animals. No pack saddles were used; in their stead, a rough sort of leather sack, filled with straw and called an aparajoe, was girded tightly upon the mule's back. Upon this was lashed the freight (two hundred and fifty or even four hundred pounds), and secured with the celebrated diamond hitch. A bell animal, usually a white mare, led the train. There was no control over the mules when packing, though each knew its place. Besides a cook and a superintendent, or cargodore, there was a crew, as they were called, consisting of one man for every eight animals. The packers first followed the Brigade trail from Yale to the crossing of Anderson River, made





YALE IN CONSTRUCTION DAYS

their way down that river to Boston Bar, thence they took an Indian trail over Jackass Mountain to Lytton. When Powers and McRoberts built the trail from Spuzzum to Boston Bar along the left bank of the Fraser, the packers took that route instead of the Brigade trail. In detail the route was, 1st day, Yale to Spuzzum; 2nd day, Spuzzum to Lake House; 3rd day, Lake House to Thousand Dollar Bill on the top of the hill from Boston Bar; 4th day, Thousand Dollar Bill to Butcher Flat; 5th day, Butcher Flat to Boothroyd Flat; 6th day, Boothroyd Flat to Kanaka Bar; 7th day, Kanaka Bar to Lytton; 8th day, Lytton to Nicomen; 9th day, Nicomen to Cook's Ferry. Four miles beyond Cook's Ferry the Thompson was left and the remainder of the route to Quesnel Forks was made in seventeen or eighteen days. The rate of travel there was about fifteen miles a day. On this part of the journey there were no regular day's travel; the camping places depended upon water and feed for the train. The trip upward occupied about a month; the return a little less. Three trips were made in a season. Nevertheless, packing was the most lucrative of employments. The train soon paid the capital expense, and then great profits were made.<sup>49</sup> Early in 1861 the rate from Yale to the Forks of Quesnel was \$1 a pound. From that point to Antler, before the trail was made, Indians packed for 40 cents a pound.<sup>50</sup> The rate fell as soon as pack trains could reach Antler Creek. In the summer of 1861 the charge for packing from Yale to Quesnel Forks had fallen to 40 cents a pound, and thence to Williams Creek to 20 cents a pound. In July, 1861, four hundred and eight pack animals left Yale for the Cariboo mines.<sup>51</sup>

Even in 1866 the mule teams were still largely employed in the carrying trade of the colony. Langley's Pacific Coast Directory for that year, which, so far as British Columbia and Vancouver Island were concerned, was carefully compiled by Legh Harnett, gives two thousand, two hundred and thirty-two animals owned by some seventy merchants and packers. Amongst the principal owners of mule teams were the Hudson's Bay Company, The Western Union Extension Telegraph Company, Uriah Nelson & Co., Oppenheimer & Co., Messrs. Barlow, Romano, Black, Levi, Davis, Thomas, Scott,

<sup>49</sup> Journal of Bishop of Columbia, July 10, 1860.

<sup>50</sup> Hazlitt's Cariboo, p. 115.

<sup>51</sup> *British Columbian*, Aug. 15, 1861.



Hutchinson, Coxon, Burnett, O'Brien, Bates, Evans Brothers, Kimball & Gladwin, McDonald & Phair, Sherman, Alway & Bailey, Saul & Co., Roper, Lane, Smith & Ladner, T. E. Ladner, Turk, Crawford & Wilson, Kirkpatrick, Loring, Jack, Robbins, Vedder & Co., Barnes & Co., Dietz, Girod & Guichon, McCullum, Allison, Ward, Bohanon, De Nuvion, Peters, and Kwong Lee & Co.

Besides the mule trains, there was introduced into the colony, in 1862, another pack animal, a stranger to our climate, the camel. Mr. Frank Laumeister, a prominent merchant and packer, was the originator of the scheme. It was thought that an animal that could subsist on sage brush, carry a thousand pounds, travel thirty or forty miles a day, and go from six to ten days without water would be a success in the new colony. Camels had been used in 1857-8 by the United States government in connection with the army transport service in Texas and Lower California. With this knowledge Mr. Laumeister procured a band of twenty-one.<sup>52</sup> They arrived in May, 1862, and were at once sent to Douglas to pack on the portages, as the Douglas-Lillooet road was called. Though they could easily carry twice the load of a mule and pick their own forage, they were not entirely satisfactory. The rough, rocky trails with intervals of marsh and muddy ground were unsuitable for animals whose feet were accustomed to sand.<sup>53</sup> Yet they remained in the business of packing for over a year and made regular trips to Cariboo. They were a great annoyance to the mules on the trail; the latter became quite unmanageable when they scented the strange beasts. Several accidents occurred in consequence, litigation arose, and the owners deemed it the part of wisdom to withdraw them from the road.<sup>54</sup> Some of them were brought to the coast and disposed of, but the remainder were taken over to the Thompson River and turned out to spend their declining days far from their Arabian homes. For years they were a source of terror to horses and mules in the vicinity; the last survivor died about 1905.

#### HOW THE CARIBOO ROAD WAS BUILT

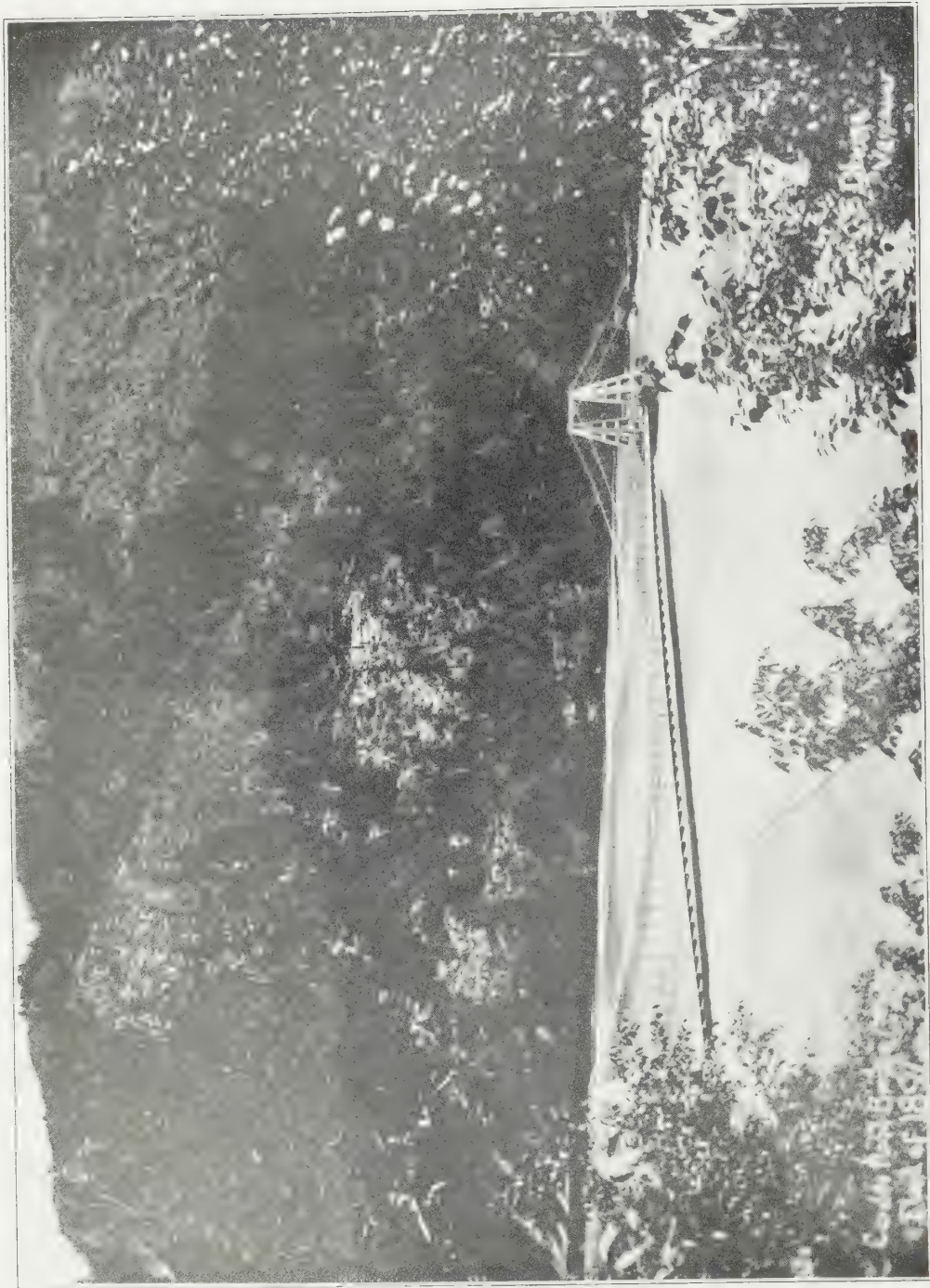
While the Royal Engineers and their civilian assistants were at work on the road from Hope towards the Similkameen, an address

<sup>52</sup> *British Columbian*, May 7, 17, 24, 1862.

<sup>53</sup> Macfie, B. C., p. 226.

<sup>54</sup> *The Province*, Nov. 23, 1895.





ALEXANDRA BRIDGE IN THE GREAT FLOOD OF 1894, FRASER RIVER

was sent to Governor Douglas praying for its completion that season. He replied that this could not be effected, unless the people of Hope presented a petition requesting the imposition of an additional half a cent a pound toll on all goods passing over it. On July 18, 1861, a meeting was held to consider the suggestion. Mr. J. Spencer Thompson, supported by Mr. Frank Langvoigt and Mr. Donald ("Doc") Chisholm, succeeded in carrying a reply to the effect that the roads, being for the benefit of the colony, should be built out of the general revenue, which, if not sufficient to enable such work to be done, might be increased, and that if the Governor of his own motion saw fit to levy the extra toll they could not object.<sup>55</sup> Just at this point a delegation from Yale consisting of Charles Oppenheimer, Frank Fellows, and W. A. Powers, waited upon Governor Douglas.

The work from Hope was soon abandoned; later in that summer the first steps toward the building of the Yale-Cariboo road were taken. Many pioneers believed that in the above incident lay the secret of the road's being commenced from Yale, rather than from Hope.

In October, 1861, Governor Douglas, while at Yale, discussed the feasibility of constructing a wagon road along the Fraser to Lytton and thence to Cook's Ferry on the Thompson. The trail built the preceding year to Spuzzum pointed the way. The Governor was much impressed with the plan. Before departing he arranged to let the contract for the portion from Boston Bar to Lytton, a piece of comparatively easy work, with the exception of the part over Jackass Mountain, and he ordered a party of the Royal Engineers to survey for a wagon road from Yale to Boston Bar and from Lytton to Cook's Ferry. He also sent out Sergeant McColl with another party of Royal Engineers to select a site for a bridge over the Fraser.<sup>56</sup> The scheme so launched—a bold and daring one for a colony of such limited means—meant the overthrow of nature's gigantic barriers; it meant the quarrying of a roadway eighteen feet wide through those immense shoulders of rock that buttress the Cascades for miles along the Fraser canyons. To provide an easy means of access to Cariboo was, in Douglas's opinion, a paramount duty of Government, and although the labour was Herculean and the

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<sup>55</sup> *British Columbian*, July 25; Aug. 1, 1861.

<sup>56</sup> *British Columbian*, Oct. 3, 1861.



distance four hundred miles, yet travel must be rendered easy, the cost of transportation reduced, and thereby the trade of miners secured and retained for the people of the colony.<sup>57</sup>

About the end of October, Sergeant McColl reported recommending that the river be bridged at a point about one mile below Chapman's Bar, where its width does not exceed two hundred and fifty feet, and that the road be carried along the left bank, easy grades being obtainable (with the one exception of Nicaragua Slide), the whole distance to Boston Bar. In that space he estimated there were about seven hundred yards of blasting, exclusive of Nicaragua Bluff. The cost of an eighteen-foot road over those twelve miles he estimated roughly at £45,000.<sup>58</sup>

The surveys having been completed and the location of the suspension bridge settled, the work of construction went on apace, along the greater part of the distance between Yale and Cook's Ferry.<sup>59</sup> The first six miles were confided to the Royal Engineers. Captain Grant, R. E., with a party of fifty-three sappers, commenced this section in May, 1862, and by the following November had completed a road which was described as "an enduring monument of engineering skill and patient toil."<sup>60</sup> From the six mile post (Pike's Riffle) to Chapman's Bar (Suspension Bridge), seven miles, the contract was in the name of Thomas Spence. The cost of this portion of the road was \$47,000.<sup>61</sup> From Chapman's Bar to Boston Bar, twelve miles, the contract was in the name of Joseph W. Trutch. Work on this section was commenced in May, 1862. It was finished during the latter part of the year at a cost of \$75,000. In April, 1862, after six months' delay, the contract for the road between Boston Bar and Lytton, thirty-two miles, was awarded to Thomas Spence for \$88,000. He advertised at once for three hundred men to work thereon. By the end of June almost four hundred men were employed, and twelve miles had been completed.<sup>62</sup> Though these three contracts were held in individual names, they were really for the benefit of the partnership of Spence and Trutch.<sup>63</sup> In March, 1862,

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<sup>57</sup> Letter, Douglas to Newcastle, Oct. 24, 1861.

<sup>58</sup> E. H. Sanders to Colonial Secretary in Yale Record Book.

<sup>59</sup> Royal Engineers in B. C., p. 8.

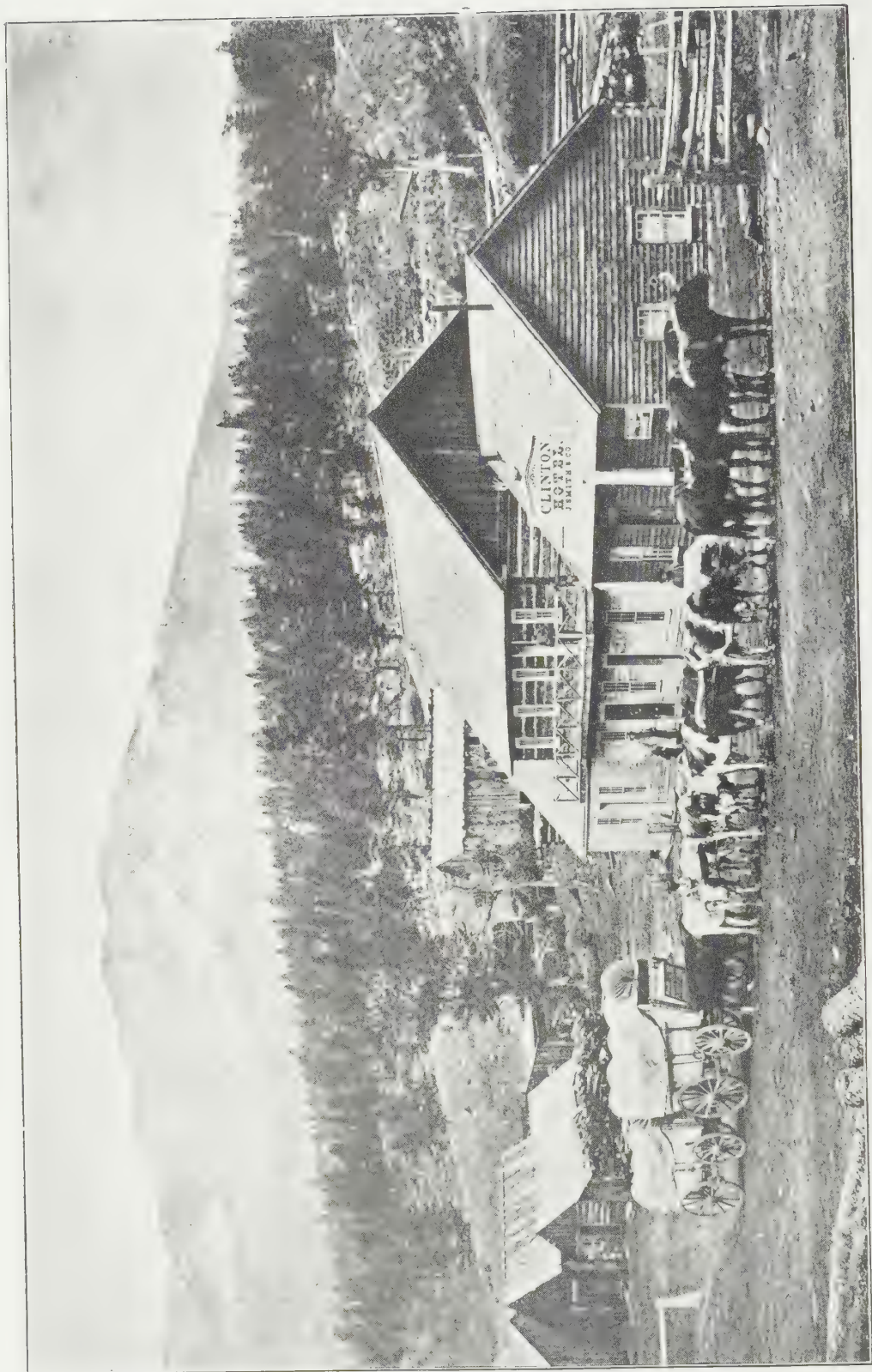
<sup>60</sup> *British Columbian*, July 18, 1863.

<sup>61</sup> B. C. Directory, 1863, p. 196.

<sup>62</sup> *British Columbian*, April 3, 1862; June 21, 1862.

<sup>63</sup> B. C. Directory, 1863, p. 196.





OX-TEAM AT CLINTON HOTEL WITH FREIGHT FOR THE CARIBOO IN THE SIXTIES

tenders were asked for a wagon road eighteen feet wide—this was the width of the whole Cariboo road—from Lytton, *via* the Nicomen River, to Cook's Ferry (Spence's Bridge), twenty-one miles along the line blazed by the Royal Engineers in the autumn of 1861, to be completed July 15, 1862.<sup>64</sup> Charles Oppenheimer and Walter Moberly secured the contract.<sup>65</sup> With them was associated Mr. Thomas B. Lewis. In May they were advertising for one thousand men for this work.<sup>66</sup> For a time all went well, and great vigour was shown in its prosecution. The first twelve miles were completed to the entire satisfaction of the Government in June, 1862. The time for completion was extended and the formal contract signed on August 16, 1862. But the wild rumours of the untold riches of Cariboo made it extremely difficult for the contractors to obtain anything like the proper number of men. In this dilemma resort was had to Chinese and Indian workmen, but the virulent outbreak of small-pox in 1862 spread consternation and death amongst the latter, cutting off this source of supply.<sup>67</sup> On September 30th the Government gave notice that unless the number of workmen was increased to three hundred, and the work energetically pressed forward, the contract would be cancelled; and a fortnight later the threatened action was taken. The Government took possession of the finished road, the unfinished work, and all the contractor's tools and outfit to recoup itself for advances made, and later in the season completed the work. Mr. Moberly, one of the contractors, was in charge for the Government.

The Harrison-Lillooet road, as completed in 1861, terminated on the Fraser River at Cayoosh (Lillooet). Later in that year Gustavus Blin Wright, the most famous of all the road-builders of colonial days, built the forty-seven miles thence to Clinton, sometimes called Cut-off Valley.<sup>68</sup> On August 16, 1862, the formal contract was made with him covering the construction of a wagon road from Lillooet to Alexandria. The country through which this two hundred and forty-four miles of road was to pass offered but few obstacles.<sup>69</sup> In May, 1862, Mr. Wright was advertising for five

<sup>64</sup> *British Columbian*, March 13, 1862.

<sup>65</sup> Moberly's Cariboo Road.

<sup>66</sup> *British Columbian*, May 3, 1862.

<sup>67</sup> *British Columbian*, Oct. 1, 1862; Oct. 15, 1862.

<sup>68</sup> B. C. Proclamations, 1862, No. 3.

<sup>69</sup> *British Columbian*, May 3, 1862.



hundred men to work on this road, and by the end of July, 1863, it was completed to Soda Creek.<sup>70</sup> When finished a short time later, Billy Ballou, the pioneer expressman, declared: "It is a No. 1 road for any country." Thus the first traversable road to Cariboo, that by way of Lillooet, was in operation in the summer of 1863. Stages were running regularly on the portion from Douglas to Lillooet in September, 1861; they kept pace with the gradual advance of the work.<sup>71</sup> In June, 1862, they were running regularly as far as Pavilion, and in July, 1863, to the one hundred and sixty-four mile post at Frank Way's, the fare to which, from Douglas, was \$54.<sup>72</sup>

By June, 1863, the road from Yale to Cook's Ferry had been completed, with the exception of about one mile in Mr. Trutch's contract between Chapman's Bar and Boston Bar, but in that short space were several rocky bluffs, necessitating heavy blasting operations and requiring some two or three months' work to overcome.<sup>73</sup> Notwithstanding the unfinished state of the road, freight in large quantities was transported along it during the early part of 1863. As far as the ferry at Spuzzum, large mule wagons were used; thence to Cariboo everything was packed on animals' backs. The Indians, who, from the earliest days had found lucrative employment in packing upon their own backs supplies for the miners, and had even held their own against the mule teams on the rough trails, found themselves unable to compete successfully against the mule teams on the road. Already the price of packing from Yale to Richfield, Williams Creek, which had previously been about 90 cents a pound, had dropped to 50 cents a pound and it was confidently expected that on the completion of the road and the advent of wagons, the price would fall to 25 cents.<sup>74</sup> It fell below that figure. In May, 1864, it was 15 to 18 cents a pound.<sup>75</sup>

To complete the Yale-Cariboo wagon road there remained, in 1863, to be placed under contract: (1) the suspension bridge to replace the ferry at Spuzzum; (2) a connection between Cook's Ferry and the existing road by way of Harrison-Lillooet-Alexandria,

<sup>70</sup> *British Columbian*, July 22, 1863.

<sup>71</sup> *Id.*, July 2, 1862.

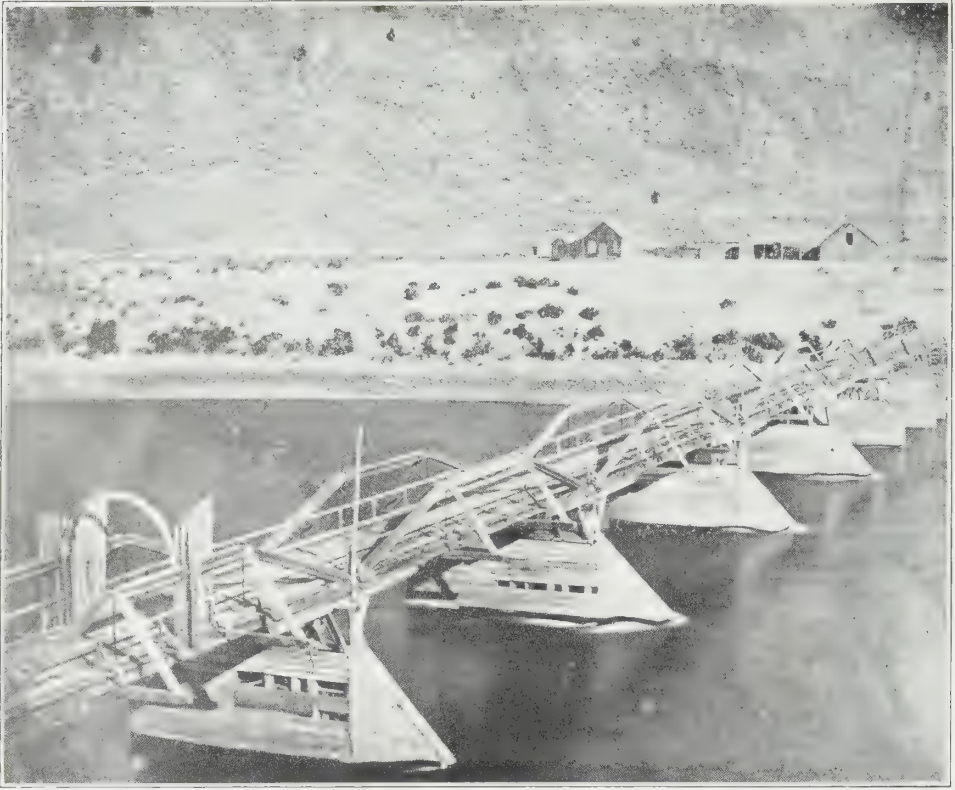
<sup>72</sup> *Id.*, July 22, 1863.

<sup>73</sup> *Id.*, July 8, 1863.

<sup>74</sup> *British Columbian*, June 3, 1863; Dec. 19, 1864.

<sup>75</sup> *British Columbian*, Jan. 18, 1865.





SPENCE'S BRIDGE



SUSPENSION BRIDGE

which Mr. Wright had built during that summer; (3) Cook's Ferry must give place to a traffic bridge across the Thompson. The two first-mentioned works were undertaken and completed in 1863. On February 2, 1863, an agreement was made whereby Joseph W. Trutch undertook to build a suspension bridge, to be called the Alexandra Bridge, across the Fraser at the point which had been selected by Sergeant McColl in October, 1861.<sup>76</sup> This was the first bridge on the suspension principle in either colony. The span was over three hundred feet.<sup>77</sup> In the following September the bridge was finished at a cost of about \$45,000 and accepted on the examination and report of Lieutenant Palmer. A four-horse team with a load of three tons was driven over as a sort of test, but the deflection was inappreciable, not amounting to more than a quarter of an inch.

The gap between Cook's Ferry and Clinton on the Lillooet-Alexandria road was closed during the summer of 1863. The first nine miles of this portion were built by the Royal Engineers under Lieutenant Palmer.<sup>78</sup> William Hood of Cache Creek performed the remainder of the work under a contract whereby he was to receive £12,783 10s., subject to be increased under certain contingencies to £13,917 15s., payable entirely in bonds of the colony, bearing interest at six per cent and redeemable in four annual instalments ending September 30, 1867. He fulfilled his undertaking by August, 1863. It was claimed that Hood's road was the best in the colony.<sup>79</sup>

The avidity with which the public grasped the new conditions may be inferred from the fact that in July, 1863, before the completion, a traveler reported meeting, between Cook's Ferry and Yale, ten loaded wagons carrying four thousand pounds each and two hundred and fifty pack animals, many of which had four hundred pounds on their backs.<sup>80</sup>

In February, 1864, Thomas Spence undertook to build a bridge, known as Spence's Bridge, in the vicinity of Cook's Ferry.<sup>81</sup> The freshet carried away a part of the piers and did considerable damage. When the waters subsided the work was resumed and completed

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<sup>76</sup> B. C. Proclamations, 1863, No. 10.

<sup>77</sup> *British Columbian*, Sept. 12, 1863; April 27, 1864.

<sup>78</sup> B. C. Proclamations, 1863, No. 9.

<sup>79</sup> *British Columbian*, July 8, 1863; Aug. 15, 1863.

<sup>80</sup> *Id.*, July 8, 1863.

<sup>81</sup> *British Columbian*, April 27, 1864; Oct. 22, 1864.



late in the fall. The erection of this bridge, which cost about \$15,000, was the last link in the chain from Yale to Alexandria. On the strength of the loss by the freshet, Mr. Spence applied to the Legislative Council, in 1868, and obtained an extension of his charter right to collect tolls for two and a half years.<sup>82</sup>

Before passing away from this portion of the subject reference must be made to the terms on which the roads, both by way of Harrison-Lillooet and by Yale, were constructed. Those portions which were built by the Royal Engineers were directly paid for by the Government of the colony by the colonial allowance of pay; the remainder of the Harrison-Lillooet road, as far as Lillooet, was paid for in cash and bonds, as already detailed; the Yale-Cariboo road, as far as Clinton, was also paid for in cash and bonds; but tolls were payable *to the contractors* on the Alexandra Bridge, Spence's Bridge, and the whole road from Lillooet to Alexandria for varying periods of five and seven years. These were exclusive of the Government tolls already specified. The tolls to which J. W. Trutch, the builder of the Alexandra Bridge (Suspension Bridge) was entitled for a period of seven years, were one-third of a half penny per pound on goods; 1s. 1d. per head on certain animals; 6½d. on all other animals; 2s. 1d. on vehicles drawn by one animal; 4s. 2d. on vehicles drawn by two animals; 8s. 4d. on vehicles drawn by four animals or more. Foot passengers were free on this bridge. On Spence's Bridge the tolls payable to Mr. Spence for a similar period were: on every one hundred pounds of merchandise, 8d.; on certain animals, 1s. per head; on all other animals, 6½d.; on vehicles drawn by four animals or more, 4s. 2d.; by any smaller number, 2s. 1d.; foot passengers, 1s. each. On the road from Lillooet to Alexandria the tolls payable to Mr. Wright for a period of five years were: on merchandise, 1d. per pound; on animals, 1s. In each of these cases certain exceptions existed covering Government property, machinery, etc.

From Alexandria to Quesnel mouth the communication was for a long time by steamboat. The first vessel on this route was the *Enterprise*, built in 1863 by Mr. G. B. Wright at a cost of \$75,000,

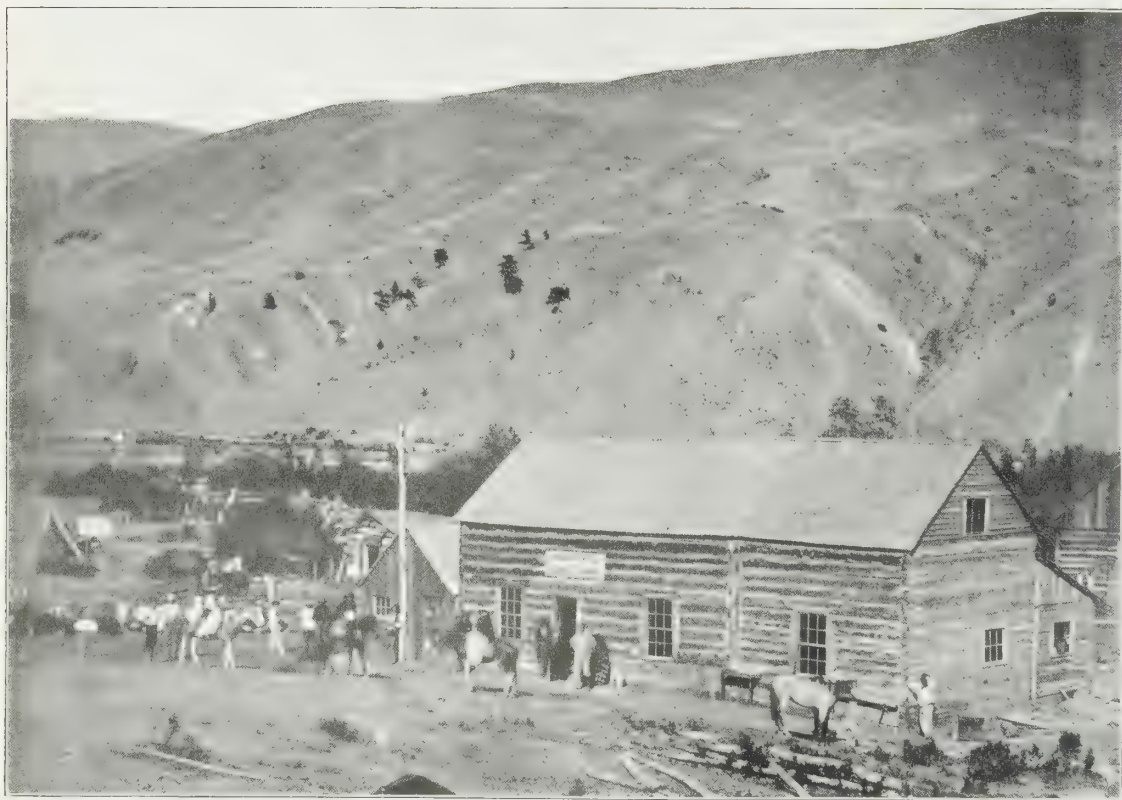
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<sup>82</sup> *British Columbian*, April 29, 1868.





ROADSIDE HOUSE, SODA CREEK



BONAPARTE HOUSE, SEMLEN AND PARKE

the whole of the machinery and boiler plates having been brought two hundred miles on the backs of mules.<sup>83</sup>

Early in 1864 Mr. G. B. Wright undertook the construction of a wagon road from Quesnel mouth to Cottonwood, on the way to Williams Creek, twenty-six miles. In July there were about one hundred whites and two hundred Chinese at work upon it. The former were mostly miners who had become disheartened with Cariboo and its deep diggings and were anxious to earn money to reach the coast or the Kootenay mines, where shallow diggings, the lode-star of the individual miner, were reported to exist. This portion was completed by September, 1864, at a cost of about \$85,000.

In 1864, Mr. F. J. Barnard put on a line of stage coaches from Yale and Douglas to Soda Creek. The Cariboo Stage Company, Messrs. Humphrey, Poole, and Johnston, began in 1865 to operate stage-coaches on the newly-finished road from Quesnel to Cottonwood, connecting there with a saddle train for Williams Creek.

The remainder of the road from Cottonwood to Williams Creek was placed under contract in 1865. In June, Mr. Munro was given the contract as far as Barkerville for \$45,000. Late in the fall this was completed and the last link in the chain was forged.

One of the results of the completion of the road was to reduce the freight to Cariboo from 75 cents to 15 cents a pound. But against this advantage the goods were subject to the tolls which have been specified. These levies were no inconsiderable sum, amounting often to more than the first cost of the merchandise. For example: goods for Cariboo were subject to the tonnage tax of 12s. or \$3 per ton on leaving New Westminster; at Yale or Douglas a toll of 1 cent a pound was levied; on the Suspension Bridge a further charge of 1/3 cent per pound; on Spence's Bridge a similar charge; and another toll of 1 cent a pound on the road beyond Lytton and Lillooet—in all \$56.33 a ton, or almost 3 cents a pound.<sup>84</sup> When to this was added the freight rate of 15 or 18 cents a pound it will readily be seen that in many instances the cost of transportation doubled or trebled the price of the articles themselves. In 1865, the tolls collected amounted to \$80,000; the cost of collection was \$12,000.<sup>85</sup>

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<sup>83</sup> Milton & Cheadle, *Northwest Passage*, p. 361.

<sup>84</sup> *British Columbian*, Nov. 11, 1863; Proclamation, No. 10, 1863; No. 5, 1864.

<sup>85</sup> *British Columbian*, Jan. 17, 1866.



Although somewhat out of chronological sequence, yet to complete the view of the Cariboo road the attempt to utilize steam traction engines upon it for the transportation of freight may be mentioned in this connection. In 1864, R. C. Janion of Liverpool, W. L. Green of Honolulu, Henry Rhodes, and Joseph W. Trutch obtained permission to use these engines on the Cariboo road.<sup>86</sup> They were required to introduce three, at least, into the colony by May 1, 1866. The object aimed at was more speedy and cheap conveyance of supplies and material. The rights of the original promoters passed over to F. J. Barnard and J. C. Beedy. Five of these engines and the necessary wagons were imported from Scotland, together with engineers to operate them. One was duly placed in commission and sent out from Yale with a load of twelve thousand pounds. It succeeded in reaching Spuzzum on the first day, Boston Bar on the second, and the top of Jackass Mountain on the third. There its journey toward Cariboo ended. The rate of travel had been demonstrated to be no greater than that of the regular freight wagons, and on the other hand, the cost was greater, owing to the enormous wear and tear, the expense of operation, and the necessity of strengthening all the bridges on the road. One of the engines was later employed in logging operations carried on by Jeremiah Rogers at Jericho on English Bay, and the remainder were returned to Scotland.

Reaching from Yale, the head of navigation, to the mines of Cariboo, a distance of nearly four hundred miles and solidly and substantially constructed by our infant colony in less than three years, this road was the pride of British Columbia and a source of wonder and admiration to its visitors, who were loud in their expressions of surprise at the daring conception and skilful execution of the work.<sup>87</sup> Here the road was supported by piling, there built upon immense masonry "fills," sometimes on gigantic crib-work, the ruins of which yet remain, sometimes cut through a sheer rock bluff, now almost at the water level, and anon raised to giddy elevations whence the river seemed but a silver ribbon. As one has said: "If we could only look back into the past along that mighty highway, what a strange scene we should behold. Long lines of pack animals, heavy

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<sup>86</sup> Ordinances, 1864, No. 8; 1865, No. 1.

<sup>87</sup> Langevin Report, p. 47.





THE 83-MILE HOUSE



THE 100-MILE HOUSE, BRIDGE CREEK



THE 108-MILE HOUSE (OWNED BY THOMAS ROPER)



THE 164-MILE HOUSE (FRANK WAYS)

freight wagons, six-horse coaches, with the well-known faces of their passengers, camels and traction engines, an army of men with pack-straps, some going, some returning, some successful, many unsuccessful, men drunk and men sober—all sorts and conditions of men—a motley crowd; bustling activity at the rough and ready road-houses; such was the Cariboo road in the palmy days of its greatness that are no more.”

With the completion of the Yale-Cariboo road there were two conflicting routes to the mines—that which commenced at Douglas and that which commenced at Yale. From Clinton northward these two roads were merged. A great rivalry sprang up between them for the trade of Cariboo. The Douglas route being the older, had until 1863, a monopoly, or at any rate far the greater share, of the business. The interested persons, the traders, the roadside house proprietors, the steamboat owners on the lakes, strove energetically to retain it. But natural conditions were unfavourable. The difficulty in reaching even Douglas itself, owing to the shoals of the Harrison, which necessitated transshipment except during the freshets, and thereafter the constant changes from land to water travel, with the incidental delays in making connection with the steamers on the three lakes, soon settled the question in favor of Yale. For, on that route, the freight was landed at all times of the year at Yale and, once placed in the wagons, could be sent through to the mines without any harassing delays. Against this was merely the extra toll on the Suspension Bridge and Spence's Bridge, which, together, only amounted to  $2\frac{1}{3}$  of a cent a pound. From the completion of the road through the canyons, the Douglas route gradually fell into disuse, though it continued to be used until late in the '60s. The decrease in its importance, even in 1865, is shown by the comparison of the toll collections for the years 1864, 1865.<sup>88</sup> In the former they were: Yale, £8,726 11s. 5d.; Douglas, £6,438 3s. 1d., and in the latter, Yale, £7,585 3s. 3d., Douglas, £2,259 8s. 9d. Douglas is today one of our many deserted villages; its celebrated road a barely discernible, and in some cases utterly obliterated, foot path. But, while the struggle lasted, resort was had to various advertising schemes on behalf of the rival routes.

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<sup>88</sup> *British Columbian*, Feb. 21, 1865; Jan. 31, 1866.





# HIGH-TONED AND ELEGANT ROUTE TO CARIBOO! (Via Douglas & Lillooet.)

The evidence adduced in the CRANFORD CASE affords the following brilliant and remarkable proofs of the wonderful and high-toned facilities of that terribly abused route.

## READ AND REFLECT.

**G. B. WRIGHT'S EVIDENCE:**—"The average time required to ship goods from Douglas to the Lillooet was TWENTY-FIVE to THIRTY DAYS. SOME OF MY GOODS WERE SIXTY DAYS."

**Mr. Nelson's evidence:**—"TWENTY TO THIRTY DAYS WAS A REASONABLE TIME for getting goods through from Douglas to the Lillooet."

**Mr. Franklin's evidence:**—"COULD NOT GET GOODS THROUGH from Douglas to Lillooet in less than TWENTY DAYS."

**John Hontoon's evidence:**—"THREE WEEKS is an average time to get goods through from Douglas to Lillooet."

**J. F. Hawk's testimony:**—"THIRTY DAYS is a reasonable time of transit on the PORTAGES. It would depend on the contractors whether 60 days was a reasonable time."

The CHIEF JUSTICE of B. C., after reviewing the evidence in the case—which was voluminous—stated to the Jury, "That

## FORTY DAYS!

was a reasonable time to get goods through from Douglas to the Lillooet," and this is "THE HIGH TONED AND ELEGANT ROUTE" that shippers and the traveling public are advised—by flaming placards and glaring advertisements—to patronize.

Read what Mr. John Jeffries writes from the Lillooet, after traveling over "the high-toned and elegant route:—"

"Dear Brother,—When you come up *come the Yale Route by all means, and you advise every one you know to go by the way of Yale, this—the Douglas-Lillooet route—is a swindle, they have raised on passage. The steam boat men have it all their own way. It would cost you \$150 at the present prices, and you cannot get up for less on this route.* Tell every person you see to go the Yale and Lytton route. The Douglas and Lillooet route is a perfect thieving operation from the time you leave Westminster.

Your Brother,  
J. T. JEFFRIES."

Travelers are assured that they can get through from Douglas to the Lillooet in from 20 to 40 days, and at a cost of \$150, so if you are determined and will be humbugged, the fault is your own. To prevent your straying from "the high-toned and elegant route" read the following directions:—

Take a SPLENDID steamer at New West-

minster for Harrison River. There hire ELEGANT INDIAN CANOES to pole you over the rapids, or walk along the pebbly shore, WADE FOUR SLOUGHS and SWIM one small river to reach a *high-toned propeller*, which runs at the speed of 2 miles per hour (wind permitting). No close confined cabins on board, but pure, wholesome air on deck, with the privilege of sticking your nose in the Cook's galley to warm it without extra charge. Twenty-five hours will take you to the mouth of the Douglas Slough, where she connects with *capacious canoes*, fare \$2.00 to the edge of the ice near Douglas Rancheries, (small-pox there—but don't hurt white men, only kills Indians,) then foot it to Douglas. Foot it again to 29 mile house over four feet of snow. The little lake being frozen over, walk round it to Lillooet Lake—scenery delightful. There catch another elegant and *high-toned steamer* if you can; if you can't, wait a day or two—meals only \$1.00. When the steamer "toots her horn" get aboard and rest yourself on the open deck for 4 hours; weather moist, or air keen. Reach Pemberton; good meals there for \$1.00 each, beds 50 cents ~~per~~ *Crawlers Grates*, ~~the~~ (small pox blankets carefully washed). Rest there a day and foot it again for 24 miles to Anderson Lake; catch a steamer again if you can; rest again on the open deck, going over the lake; foot it again for 1½ miles, or take a ride on the railroad car (?) to Lake Seaton; catch another splendid steamer, if she's in repair, for Port Seaton; foot it again 3½ miles to Lillooet; rest there three or four days (the small pox is played out, Indians all killed); then swim your horse across the Fraser (if the ice permits) to Parsonville; then run him up Pavilion Mountain to help circulation. Take this route by all means and

## SHUN THE YALE & LYTTON ROAD,

it is a humbug. There are no delays on that route, no portages, no extortion, no sloughs to wade or creeks to swim, no combinations to ease you of your money before you get fairly started for Cariboo. This information costs you nothing, see that you are wise and profit by it.

When you arrive at Westminster do not nibble at the Douglas bait of one and two dollars fare, if you do you are sure to be hooked, and will have to pay very dear for your gullibility. It is only the CATCH OF A HUMBUG.

Be certain that you take passage on steamers going DIRECT to Fort Yale, otherwise you will be "taken in" by Douglas steamers and set down at Harrison River to get ahead the best you can, and to be laughed at in the bargain.

### D. D. DUNIG,

SHIPPER AND CARRIER OF MERCHANDIZE, is prepared to carry two HUNDRED TONS of Merchandize per month, at greatly reduced rates, from Fort Yale to Lytton. Shippers secured against loss or delay.

### JOHN CARAGER,

CARRIER OF MERCHANDIZE, between Yale & Lytton, is prepared to forward goods at greatly reduced rates and with dispatch. Shippers will be insured against delay or loss.

### DUSTAN & JERROLD,

CARRIERS OF MERCHANDIZE, are now prepared to ship large quantities of freight from Yale to Lytton. Shippers guaranteed against loss or delay.

### WILLIAM LANE,

SHIPPER AND CARRIER OF MERCHANDIZE, is now receiving and shipping with dispatch, from Yale to Lytton, at reduced rates—large quantities of Merchandize. Shippers are secured from extortion, delay or loss of goods.

### JAMES BLACK,

SHIPPER AND CARRIER OF MERCHANDIZE, is now prepared to ship from Yale to Lytton, at greatly reduced rates. Shippers are guaranteed against either loss of time or loss of Merchandize.

### EDWARDS & CO.,

SHIPPERS & CARRIERS OF MERCHANDIZE, from Fort Yale to Lytton City. Shippers insured against loss or delay.

 FROM THREE TO FIVE DAYS is all the time required to ship goods from Yale to Lytton, freight ONLY SIX CENTS. It only costs the traveler EIGHT DOLLARS from Westminster to Lytton via Fort Yale.

(Reproduced.)



## CHAPTER VII

### THE DISBANDING OF THE ROYAL ENGINEERS

In the summer of 1863 orders were received for the disbanding of the detachment. Mr. Dugald McTavish, the chief representative of the Hudson's Bay Company at Victoria, writing to Mr. A. G. Dallas, the Governor of the company, on July 13, 1863, says: "The Governor [Douglas] has so much to do, making roads and so forth in British Columbia, that there is no drawing his attention to our matters, and, when we do call on him to act, his invariable answer is, that he can not get Moody to do anything, and I dare say there is some truth in it, as it is shrewdly surmised that His Excellency has had more to do with the recall of the Engineers home than any one else, and they all feel that they are leaving under a cloud."<sup>89</sup>

The work performed by the Engineers was much diversified. All the important explorations in the colony, a great deal of the surveying of townsites and country lands, and the selection of the lines of roads were performed by them. Portions of the Douglas-Lillooet, the Hope-Similkameen, the Cariboo, and the North roads were built by them. The maps of the colony and of portions of it were made by them, from their surveys, prepared in their drafting office and lithographed and published by them. The design of the first school-houses and churches, the first colonial coat of arms, and postage stamps were prepared by them.<sup>90</sup>

Colonel Moody and the officers, together with some twenty of the men, returned to England in October, 1863. Each of the men was entitled to a free grant of one hundred and fifty acres of land in the colony. Of those who remained in the colony the following survive (1913): Thomas Argyle, Victoria; Robert Butler, Victoria; John Cox, Victoria; William Haynes, Victoria; Samuel Archer, New

<sup>89</sup> Canada and the States, p. 253.

<sup>90</sup> The Royal Engineers in British Columbia, p. 10.



Westminster; L. F. Bonson, New Westminster; George Turner, New Westminster; Philip Jackman, Aldergrove; John Musselwhite, Sumas; Matthew Hall, Chilliwack.

#### THE GOLDEN CARIBOO 1863-5

The year 1863 was the banner year of Cariboo. Williams Creek was mined along a stretch of seven miles, and about four thousand men found employment there. The deep diggings below the canyon were in full swing. Gold was being produced on a scale which exceeded California in its palmiest days. The results were in many cases almost incredible. A few isolated, well-authenticated instances will be given, because the reports of such golden harvests went abroad and aided to draw to the colony many persons filled with hopes of similar success.

The Cameron claim yielded, during 1863, from forty to one hundred and twelve ounces to each of three shifts per day. In October, John A. Cameron, "Cariboo Cameron," its principal shareholder, brought out about \$150,000, his share of its yield for three months.<sup>91</sup> Viscount Milton and Dr. W. B. Cheadle saw a wash-up on the Raby, which filled one of the tin cases used for preserved meats, holding nearly a quart and valued at about £1,000, the result of fifteen hours' work.<sup>92</sup> Amongst this were several shillings and quarter dollars, which had dropped out of the men's pockets and turned up again in the dump box.<sup>93</sup> The Diller took out one hundred and two pounds Troy in a single day. The Cunningham produced, on an average, \$2,000 per day during the whole season.<sup>94</sup>

The following summary shows the returns from the principal claims on Williams Creek to the end of 1863: The Adams yielded \$50,000 from 100 feet; the Steele, \$120,000 from 80 feet; the Diller, \$240,000 from 50 feet; the Cunningham, \$270,000 from 500 feet; the Burns, \$140,000 from 80 feet; the Canadian, \$180,000 from 120 feet; the Neversweat, \$100,000 from 120 feet; the Moffatt, \$90,000 from 50 feet; the Tinker, \$120,000 from 140 feet; the Wattie, \$130,000 from 100 feet; besides the Black Jack Tunnel, Barker, Baldhead,

<sup>91</sup> Milton & Cheadle, *Northwest Passage*, p. 360.

<sup>92</sup> *Id.*, p. 373.

<sup>93</sup> *Id.*, p. 369.

<sup>94</sup> Palmer in *Royal Geographical Society*, xxxvii, pp. 191, 192.





VEITH'S RANCH, KEITHLEY CREEK, CARIBOO



RUIN OF "CARIBOO CAMERON'S" CABIN, BARKERVILLE

Abbott, Grier, Wilson, Beauregard, Raby, Cameron, Prince of Wales, and numbers of others of world-wide fame.<sup>95</sup> Forty claims at least paid handsomely, and from about twenty was taken out steadily, every twenty-four hours, from seventy to four hundred ounces.

Besides Williams Creek, Keithley, Goose, Cunningham, Lightning, Jack of Clubs, Grouse, Chisholm, Sovereign, Fountain, Harvey, Nelson, Stevens, Snowshoe, Last Chance, Anderson, California, Thistle, Sugar, Willow, McCallum, Tababoo, and Lowhee, each drew a share of attention, and miners were at work upon them all.

The narrow gulch of Lowhee Creek for a while bade fair to equal Williams Creek, as indeed its early production already mentioned had promised. When the bed-rock was reached on the Cornish claim \$4 to the pan was obtained, and for a considerable period between three hundred and four hundred ounces a day were taken from the Sage Miller claim.<sup>96</sup>

On Lightning Creek, one company—the Butcher—working on a hill claim sixty feet above the bed of the stream, struck “pay” late in the fall of 1863, taking out two hundred ounces in one day. Another company was making forty ounces a day on this creek.

The work upon the other creeks named, while it aided to swell the grand total of production, was more or less cursory and spasmodic and belongs rather to the stories of the separate creeks than to the history of the colony.

The practical completion of the Cariboo road in 1863 greatly decreased the cost of living in that distant region. The following will give an idea of the prices normally prevailing in 1863 and 1864: Flour, 32 to 35 cents a pound; bacon, 50 to 75 cents a pound; butter, \$1.25 a pound; coffee, \$1 a pound; beef, 40 cents a pound; mutton, 40 to 45 cents a pound; rice, 45 to 50 cents a pound; beans, 30 to 40 cents a pound; sugar, 50 to 60 cents a pound; tea, \$1 to \$1.25 a pound; syrup, 65 cents a pound; potatoes, 20 to 25 cents a pound; and other food in proportion. Sawn lumber was 10 cents to 12½ cents a foot; cordwood, \$12 a cord; miners’ wages, \$10 a day. Then, too, the ease of access insured a steady supply of the necessities of life; the experience of 1862 in this respect was never repeated.

<sup>95</sup> Macfie, B. C., p. 248.

<sup>96</sup> *British Columbian*, Oct. 3, 1863.



From the changed conditions flowed a further result. In the winter of 1862-3 Cariboo was practically a deserted land. Some eighty miners, only, remained. But in the following winter some five hundred or six hundred miners stayed on Williams Creek. In their moss-chinked, mud-roofed log-huts, with their large, cheerful fire-places, they spent the short days and long nights, developing a rude sort of social intercourse, and whiling away the monotony with conversation and cards. Some even worked a great part of the time, for during the winter of 1863-4, for the first time in the history of Cariboo, a few of the claims—the Cameron, Raby, and Caledonia, for instance, being deep diggings—carried on operations. But the majority of miners and mine-owners preferred to take advantage of the annual “lay-over” and spend their winters in the more genial climate and more attractive surroundings of Victoria and San Francisco.

Cariboo drew to itself not only miners, but all the classes that naturally congregate where money is plentiful and easily obtained. Gamblers flocked like vultures to the spot. The authorities resolutely set their faces against this evil, but the vice was too deeply rooted to be completely eradicated. It merely went under cover and continued to flourish in private. An anomalous class of females, known as the hurdy-gurdy girls, made their appearance in Cariboo. They were mostly of German extraction. They frequented the saloons and drinking places and, for a money consideration, danced with all applicants. But, at the same time, their morals were above reproach.

“They danced at nicht in dresses light,  
 Frae late until the early, O!  
 But, oh! their hearts were hard as flint,  
 Which vexed the laddies sairly, O!

“The dollar was their only love,  
 And that they lo’ed fu’ dearly, O!  
 They dinna care a flea for men,  
 Let them court hooe’er sincerely, O!

\* \* \* \* \*





First Row—Sir Richard McBride, Judge F. W. Howay, W. H. Keary, Henry Bruce, John Cox. Second Row—George Turner, Allen Cummings, William Haynes, Robert Butler, Samuel Archer. Third Row—Philip Jackman, L. F. Bonson, Col. R. Wolfender, Thomas Argyle. Seated—William Hall, Mrs. James Keary.

#### LAST OF ROYAL ENGINEERS

"Bonnie are the hurdies, O!  
 The German hurdy-gurdies, O!  
 The daftest hour that e'er I spent,  
 Was dancin' wi' the hurdies, O!"<sup>97</sup>

## FEMALE IMMIGRATION

While on this subject, a word may be added on the cognate one of female immigration. From 1858 to 1863 there was practically no family life in the colony of British Columbia, outside of New Westminster, Hope, Yale, and Douglas—trading points where stable population existed. In 1862, it is true that Mrs. John A. Cameron resided on Williams Creek with her husband, the celebrated "Cariboo Cameron," who was even then accounted rich; but the poorer adventurer left wife and family behind. Until the completion of the Cariboo road and the operation of stage-coaches no regular means of travel existed beyond the trading centres mentioned. A mining population, at times reaching four thousand or even six thousand, was in Cariboo in 1862 and 1863, and yet not more than three or four married women in all that vast region. The remainder of the sex were the "hurdies," Indian women, who became the mistresses, sometimes the wives, of the miners, and women of the underworld. Many of the miners had left their families in Canada or the United States, but the majority were unmarried.

Sir E. B. Lytton and the Duke of Newcastle wrestled with the political problems of the colony, but its social problem engrossed the attention of the Bishops of Oxford and London. Hearing the "cry from Macedonia," they called a meeting in London in February, 1862, at which the Lord Mayor presided. As a result, the British Columbia Emigration Society was formed to encourage the emigration of respectable, industrious women to the colony, not only as domestic servants, but as a step towards supplying wives for the miners and settlers, thus establishing a solid basis of colonial existence.<sup>98</sup> A prominent worker in this scheme, as in all others relating to the social and religious life of the new colony, was the Baroness Burdett-Coutts.

<sup>97</sup> Sawney's Letters, Letter II.

<sup>98</sup> *British Columbian*, June 21, 1862.



The society lost no time. On April 17, 1862, the first contingent of wives-to-be, consisting of about twenty girls, taken from orphan asylums, left England.<sup>99</sup> They were thoroughly trained in all branches of domestic service, and the result of the venture induced the society to enter more ambitiously into the work.

In June, 1862, the *Tynemouth*, a staunch iron screw steamer of one thousand six hundred and twenty tons register and six hundred horse-power, which had won a good reputation during the Crimean war by weathering out a terrible storm in the Black Sea, in which many vessels were lost, was about to be dispatched to the colony. The magnetic influence of Cariboo drew some three hundred passengers, but, says Frederick Whymper, the artist and well-known traveller, who was one of them: "Our most noticeable living freight was, however, an invoice of sixty young ladies destined for the colonial and matrimonial market. They had been sent out by a home society under the watchful care of a clergyman and a matron; and they must have passed the dreariest three months of their existence on board, for they were isolated from the rest of the passengers, and could only look on at the fun and amusements in which every one else could take part."<sup>1</sup>

Arriving at Esquimalt on September 17th, the young ladies were transferred to H. M. S. *Forward* and brought to Victoria, where they were landed in small boats in front of the Government buildings at James Bay and marched to the Main Barracks, which had been previously prepared for their temporary accommodation. Although the time and the place of disembarkation had been shrouded in mystery, yet, as soon as it became known, a continuous stream of humanity set in towards the point indicated, which very shortly resulted in every available inch of ground, from which a view could be obtained, being occupied by men of all ages, professions, trades and callings, and stations in life, eagerly craning their necks for a sight of the unique, long-looked-for, and much-discussed "cargo."<sup>2</sup> As soon as the girls were on shore and in marching order, the dense crowd of eager and expectant spectators fell back, opening up a narrow passage, through which the females marched in tolerably

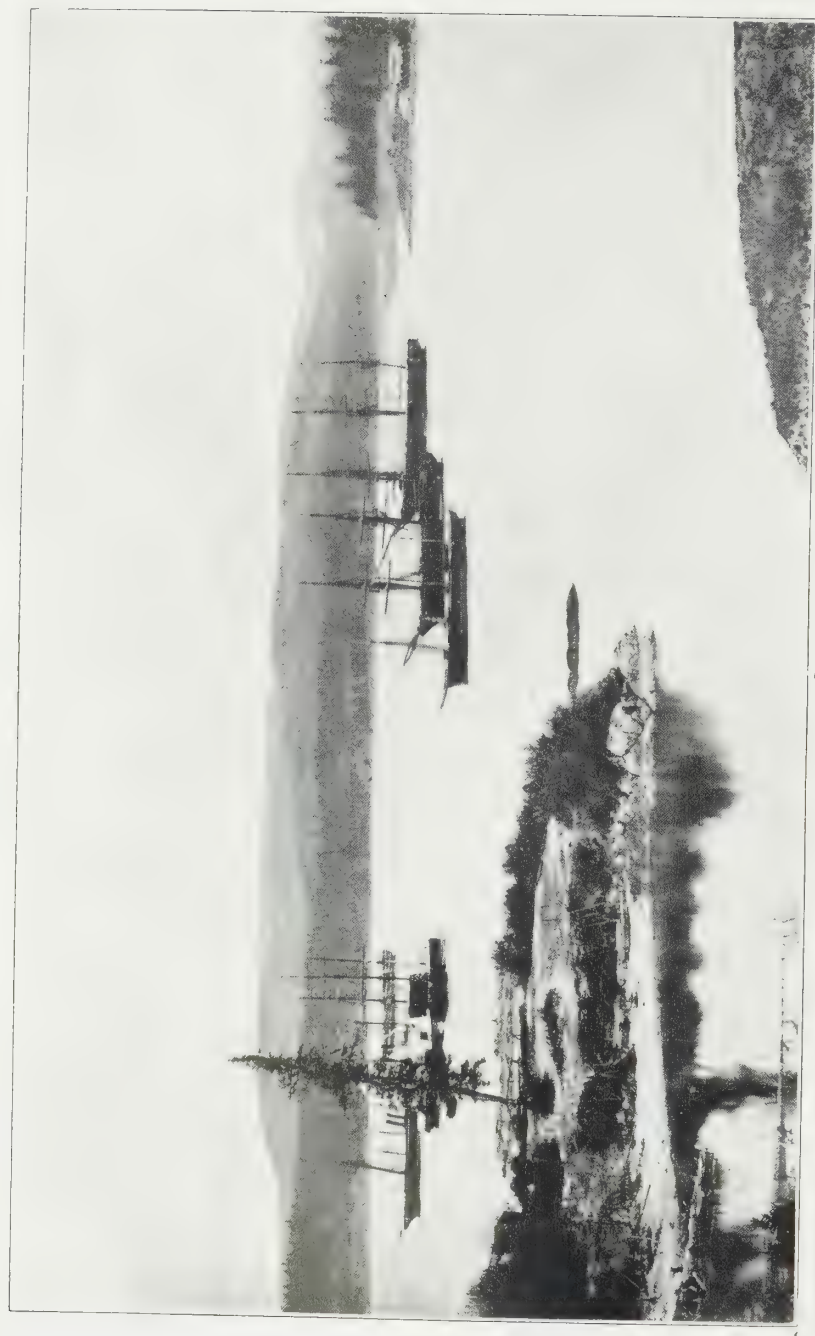
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<sup>99</sup> *British Columbian*, May 12, 1862.

<sup>1</sup> Whymper, *Travels in Alaska*, p. 2.

<sup>2</sup> *Biographical Dictionary*, p. 272.





ESQUIMALT HARBOUR, ABOUT 1867

good order, two and two, towards their temporary home. The general opinion was that the immigrants had made a very creditable showing, considering that they had just disembarked from a long voyage. There were a few women amongst them, but the majority were girls, apparently from twelve to eighteen years of age.<sup>3</sup>

The agents of the society had been busy while the "cargo" was in transit, and a large number were immediately placed in situations of domestic service, and gradually the greater part of the shipment was absorbed by the labour and matrimonial markets. Half of them married soon after arrival or went into service, but a certain proportion went quickly to the bad and, from appearances, had been there before.<sup>4</sup> Taken as a whole, the venture was a success, but it was a delicate undertaking and, while deserving respect for the benevolent motive inspiring it, and for the good actually accomplished, it may be doubted whether such a method is to be recommended for supplying the wants of a new colony.

Another shipment of thirty-six girls, sent out by the same society, arrived in Esquimalt on the *Robert Lowe* on January 10, 1863. Immediately upon their arrival twenty-five found positions in service. The Rev. Mr. Macfie, the Congregational minister in Victoria, says on this subject: "There was too little care exercised in the selection of them, by those directing the movement and some, in consequence, turned out badly. But all who conducted themselves properly have had offers of marriage, and most of them have long since become participants of conjugal felicity."<sup>5</sup>

Similar attempts were made in the adjoining territory of Washington, after the close of the Civil war. Some seven hundred war orphans—the Mercer immigration—were brought to Puget Sound in two shipments. Patriotism and the more stable conditions then prevailing gave these efforts a greater success than had attended the experiment in British Columbia.<sup>6</sup>

#### CARIBOO AT ITS BEST

The pay streak, as the auriferous stratum was called, consisted, on Williams Creek, of a blue clay about six feet thick, mixed with

<sup>3</sup> *British Columbian*, Sept. 24, 1862.

<sup>4</sup> Whymper, *Travels in Alaska*, p. 3.

<sup>5</sup> Macfie, *Vancouver Island and British Columbia*, p. 497.

<sup>6</sup> *Oregon Historical Quarterly*, vol. 5, pp. 1 to 24.



gravel and decomposed slate.<sup>7</sup> Above the canyon this stratum lay quite close to the surface, but below that spot the covering was, generally speaking, from fifty to sixty feet. The deepest shaft in this vicinity was one hundred and thirty-four feet, but even then it did not reach the bed-rock. The prevailing theory was that this pay stratum was the bed of an old creek, which, carrying down the drift gold, had allowed it to settle either on the bed-rock or in the blue clay above it. The *debris* of centuries then covered the treasure.<sup>8</sup> Great changes in the earth's surface took place; here a slide, there a convulsion, upheaving a portion and distorting another. The present bed of a stream was thus no index to its old and gold-bearing bed. Here was the element of chance—the reason why a claim on a hill-side was rich, while one right in the present bed was barren. One miner might be making \$1,000 a day, while his neighbor above or below him found his claim worthless. The former had struck the old bed, the latter not. It is evident that such a condition was one for capital and coöperation to cope with. The individual miner could not take the risk, even if he had the means, of sinking a shaft fifty or sixty feet in a country where wages and provisions were so expensive. Deep diggings were not for him. Hence the Peace River excitement, already dealt with, the Kootenay, and Big Bend rushes of 1864 and 1865.

The yield of 1863—the golden year of Cariboo—is officially given as \$3,913,563, though Allan Francis, the representative of the United States, estimated it at about \$6,000,000.<sup>9</sup>

During 1864, the claims below the canyon on Williams Creek were all being worked and all paid in varying measures of success. The Wake-up-Jake, reaching bed-rock in this year, gave fifty-two ounces, equal to about \$800, from one panful of dirt. The Ericcson on Conklin Gulch, a branch of Williams Creek, which was opened in 1863, now produced a weekly return of one thousand, four hundred ounces. The Cameron claim continued to pay eighty to ninety ounces a day. In the fall, the Prairie Flower, earlier known by a far less euphonious name, struck the pay, taking out in one day one hundred and seventy ounces.

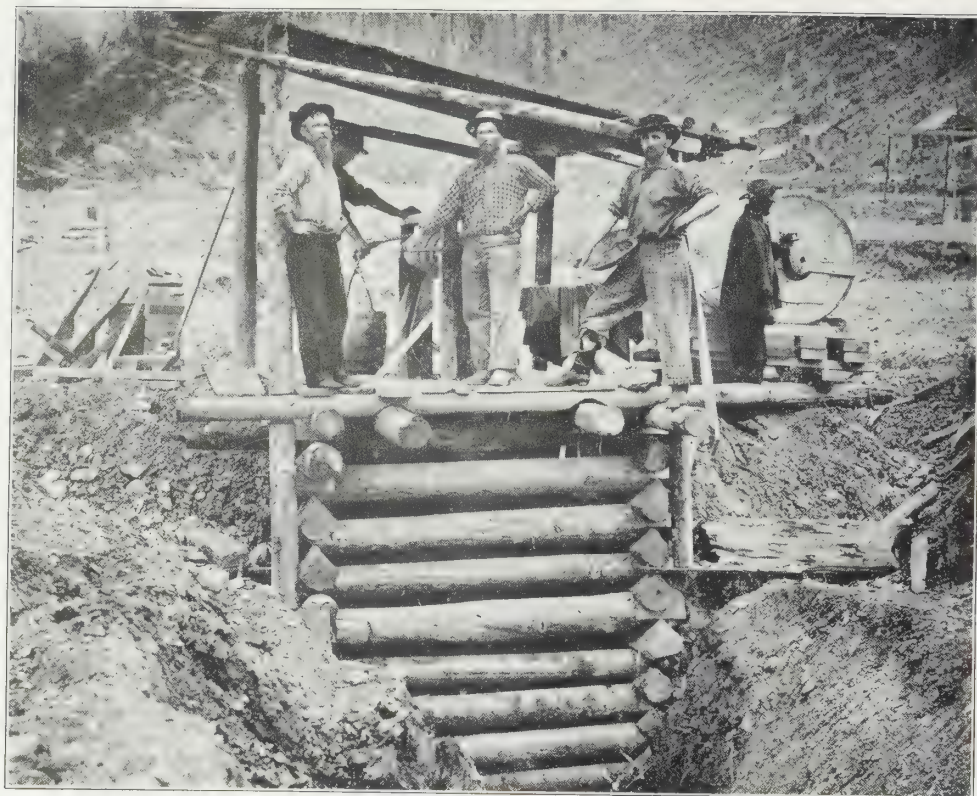
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<sup>7</sup> Rawlings' Confederation, p. 118.

<sup>8</sup> Milton & Cheadle, Northwest Passage, p. 368.

<sup>9</sup> Year Book, B. C., 1897, pp. 390, 391.





THE SHEEPSHEAD, WILLIAMS CREEK



THE PRAIRIE FLOWER, WILLIAMS CREEK



A short distance below the Cameron claim, near a spot called Marysville, Williams Creek widens into a flat, locally known as the meadows. An effort was made to work this ground in 1864. The great difficulty below the canyon, and especially in this section, was to cope with the flow of water. As soon as the Cariboo road came into being, improved steam pumps replaced the picturesque wooden water wheels which drove the home-made pumps; but while these were sufficient in the deep ground near Camerontown and Barkerville, they were of little service in the meadows.<sup>10</sup> An artesian mining company which had obtained a twenty-year lease of a half mile square in this locality undertook a different style of work. Instead of the old-fashioned shafts this company operated by means of an artesian well auger, bringing up a panful of dirt at each raise. For a short time they obtained good returns, the first day's washing giving one hundred and fifty ounces, but the scheme ended in failure. The regular style of mining was also tried on the meadows on a very extensive scale over a distance of about three miles, but without success, for want of adequate machinery and pumps.<sup>11</sup> The Tiger, Beaver, Richfield, and John Bull were among the claims on the meadows which never reached bed-rock, "never bottomed," as the expression was. From the claims immediately adjoining and nearer Camerontown a small amount was obtained, but the water could not be overcome. The Marysville, Phelan, and Hart, which lay within a few hundred feet, yielded \$250,000 and \$300,000 each; but in these instances the pumps controlled the water. The opinion was, therefore, always strong that the meadows would yield enormously if the water could be kept out of the workings, but neither in 1864 and 1865, nor in the days of the Lane and Kurtz Cariboo Mining Company in 1870 and 1873, could it be got under control. That company, which had a lease of a portion of this ground, did succeed, by sinking a shaft in rock to a depth of one hundred and twenty-five feet and drifting one hundred and forty-five feet under the meadows toward the old channel, in getting a prospect of \$25, but just as the golden result appeared at hand the water "slumgullion," as it was called, compelled a suspension. It was thought, in 1876, that a bed-rock flume from Valley Creek, two and one-half miles in length, might

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<sup>10</sup> *British Columbian*, Sept. 14, 1864.

<sup>11</sup> Macfie, B. C., p. 265.



solve the riddle, but nothing was done, and the riches of the meadows, if they exist, have, to the present, defied the ingenuity of man.

Following the experiment of the preceding year a considerable number of claims worked through the winter of 1864. Amongst them were the Oram, Adams, Elliott, Prince of Wales, Cameron, Moffatt, New York, Grizzly, Caledonia, Cariboo, Watson, and Canadian.<sup>12</sup> This gave stability and an air of permanent settlement to the Cariboo region. Of the one thousand, five hundred miners, about seven hundred or eight hundred spent the winter there.

A word or two about the other creeks will suffice. On Cunningham Creek, in 1864, shallow diggings at eight to ten feet were struck. One company was taking out one hundred ounces a day with four men. In a short time four hundred miners had rushed to this creek, the majority of whom were making two to three ounces a day. On Lightning Creek, the Ayrshire Lass was producing from twenty-five to forty ounces a day, and five or six other claims were paying well. The Butcher claim took out \$5,300 in three days and had the honour of producing the largest nugget found in Cariboo, thirty and one-sixteenth ounces. Lowhee Creek continued to produce regularly, but no striking returns were obtained.

The best days of Cariboo passed with the years 1863 and 1864. The yield of the mines was still very large. The official return for 1864 was \$3,735,850,<sup>13</sup> and for 1865, \$3,491,205; but these vast sums came almost entirely from a few rich claims. The shallow diggings were exhausted and the mining population decreased. Only wage-earners and mine-owners remained. The day of the capitalist came with the deep diggings. These gave their handsome rewards to the few fortunate ones. The other class, the labourers, received their wages—high, it is true—but leaving only a small amount after the enormous cost of living was deducted.

On Williams Creek, besides the claims which had paid well in 1864 and still continued to pay, the most famous in 1865 were the Ericsson and the Sawmill, both on a tributary called Conklin Gulch. In six days in June the latter produced \$16,845, and later in the month one day's wash-up was four hundred ounces, equal to \$6,400. The former even exceeded these figures. In one week in July its

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<sup>12</sup> *British Columbian*, Dec. 10, 1864.

<sup>13</sup> *Year Book*, B. C., 1897, p. 391.





BARKERVILLE AFTER THE FIRE. 1868



BARKERVILLE BEFORE THE FIRE. 1868



yield was \$22,400, in the following week \$30,816, and in the next \$18,750; from June 17th to July 29th, there was taken from this claim, \$160,672.<sup>14</sup> On Cunningham Creek the shallow diggings which had attracted attention in the preceding year were soon exhausted. At the beginning of 1865, three hundred men were at work, but before the end of the season the creek was practically abandoned. Lowhee, Lightning, Antler, Keithley, and Harvey creeks continued to produce; but the conditions were similar to those on Williams Creek—a few rich, deep mining claims. The day of shallow diggings had departed; in the natural evolution the paying claims had passed into the hands of the capitalist. Speaking generally, it can truthfully be said that Cariboo was never really a poor man's diggings; though here and there were spots where the bed-rock lay near the surface, and where, consequently, the poor man could operate. The state of affairs is shown by the census of the mining population in 1865. The total number had fallen to 1,393, divided as follows: 1,000 on Williams Creek, 68 on Lowhee, 60 on Burns, 15 on Cunningham, 30 on Antler and Stevens, 100 on Lightning, and 120 on the other creeks.<sup>15</sup>

The following statistics, taken from Harnett's Lectures, will give an idea of cost and returns from some of the principal mines on Williams Creek: The Cunningham claim, located in 1861, with four interests, cost \$100,000 to work, and yielded up to 1865 \$500,000. The California, located at the same time, cost \$150,000 to work and yielded during the same period \$500,000; in 1866 and 1867 this claim was still paying from \$15 to \$20 a day. The Black Jack, located in 1862, with six interests, returned in two years \$200,000, under a total outlay of \$50,000 for work at \$16 a day; in 1867 it was worked as a hydraulic claim. The Tontine, located in 1861, with four interests, cost up to 1865 \$100,000 for development and working, and yielded \$500,000. The Dietz paid good wages steadily. All these were in the shallow ground above the canyon. Below the canyon the High-Low-Jack, with five interests, paid in June, 1867, \$12,000 to the share. The Alturas, on Stouts Gulch, located in 1864, with eight interests, paid off in five weeks during 1866 an indebtedness of \$23,000. Its complete output was \$275,000. The Taff Vale, on the

<sup>14</sup> *British Columbian*, Aug. 8, 1865.

<sup>15</sup> *Victoria Weekly Colonist*, Oct. 31, 1865.



same gulch, cost \$30,000 to open, and yielded from one hundred to two hundred ounces per week, giving a grand total of \$300,000.

In closing our remarks upon the golden era of Cariboo it is fitting to add a few words about the miners themselves.

Reference has been already made to the death of John Rose. As this man was one of the most successful and energetic prospectors, the few details are given. The miners believed in his star and confidently expected that he could and would find diggings as rich as Antler and Williams creeks. Thus his movements were the subject of careful investigation. In the spring of 1863 he set out from Williams Creek on a prospecting trip into the Bear River country. From that time no white man ever saw John Rose alive; his remains were never found; nor was any authentic information as to his end ever obtained. In Milton and Cheadle's *Northwest Passage by Land* <sup>16</sup> it is stated that later in the summer there was found, hanging to a branch, a tin cup bearing the words, "Dying of starvation," thus indicating his end. But this is an error. The authors have confused the death of Rose with that of Donald Munro. That unfortunate man wandered into the same locality and was lost. In June, 1863, a miner, Sim Shiveley, while returning from a prospecting tour, stopped on Bear River, about one hundred and sixty miles from Richfield, to cook his dinner. Wandering along its bank he noticed a cloth hanging to a tree. His curiosity being aroused, he hastened to the spot and found there the gruesome remains of a man. At his head was a tin cup bearing these words: "Donald Munro, in the woods, lost June, 1863, is from Inverness Town, Scotland, born June, 1825." <sup>17</sup> Not an ounce of food was found near the body; but the stripped bark of the neighboring trees spoke eloquently of his desperate efforts to sustain life. Rolling the dead man in his blankets, Shiveley buried him there.

Of all the miners of the early days in Cariboo none is more widely known than John A. Cameron. This man's spectacular rise to wealth entitled him to the sobriquet he bore—"Cariboo Cameron." Returning to Glengarry, Canada, in the fall of 1863, he purchased a farm of two hundred acres at Summers Town on the St. Lawrence and expended vast sums in improving it, but it proved a poor invest-

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<sup>16</sup> Op. cit., p. 365.

<sup>17</sup> *British Columbian*, March 12, 26, 1864.





OLD BLACK JACK & BURNS HYDRAULIC, CARIBOO, 1863

ment. He then purchased some steamboat stock and a sawmill and timber limits on Lake Superior. These, likewise, turned out badly.<sup>18</sup> As a last desperate chance he staked the remainder of his money on a quartz mine in Nova Scotia. Still ill-fortune pursued him. He lost all. In 1888, he returned to Cariboo to make another fortune. In vain. He died there on November 7, 1888, aged 68 years. His body, most fittingly, rests in the quiet little cemetery at Camerontown on Williams Creek, overlooking the scene of his unparalleled success.

As an example of the difficulties of transportation before the advent of the Cariboo wagon road, the following incident is reproduced. It will serve to cast a light upon the nature of the men of '62.

Early in October, 1862, Mr. Moses Cross Ireland, with some others, was returning from Cariboo across the Bald Mountain. They had reached within a short distance of a well-known landmark in that desolate district called the "colored man's house" when the snow fell so thickly that they could not see an object ahead of them. They lost the trail and, travelling about for some four miles, came on another party lost like themselves. Shortly afterwards they were joined by another man, Frank Fulford, a packer, who informed them that about half a mile farther on were a number of people, including a Mrs. Webster and her two daughters, a Mrs. Cusheon, and a girl of 14 years of age.

After a debate with his companions on the situation, no two agreeing, Mr. Ireland struck out in the direction where he thought the lost trail lay. Upon his taking the resolution six others decided to join him. They wandered about until night-fall without satisfaction and were preparing to camp for the night, when the welcome sound of a gun report attracted their attention and they made for the place they judged it came from. Soon they were rejoicing in the colored man's cabin where they remained for the night.

Early next morning they found the snow was four feet deep, but with three others Mr. Ireland started to rescue the party lost in the snow, some thirty in number. On reaching a high point on the mountain they encountered so much snow that they were obliged to return. Rigging up some kind of snow shoes they again started

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<sup>18</sup> *Saturday Sunset*, April 3, 1909.



on their mission of mercy and discovered the lost party about sundown.

They were camped in a ravine cowering round a fire with some blankets rigged up to break the piercing cold wind that howled through the forest. Men, women, and children, with some surviving animals, were huddled together in a wretched state, their teeth chattering and eyes swollen by the smoke driven in all directions by the icy blast. They had been fasting for sixty hours and eagerly welcomed the provisions the rescue party had brought with them. They told Mr. Ireland that Frank Fulford and another man had left them to search for provisions to bring up.

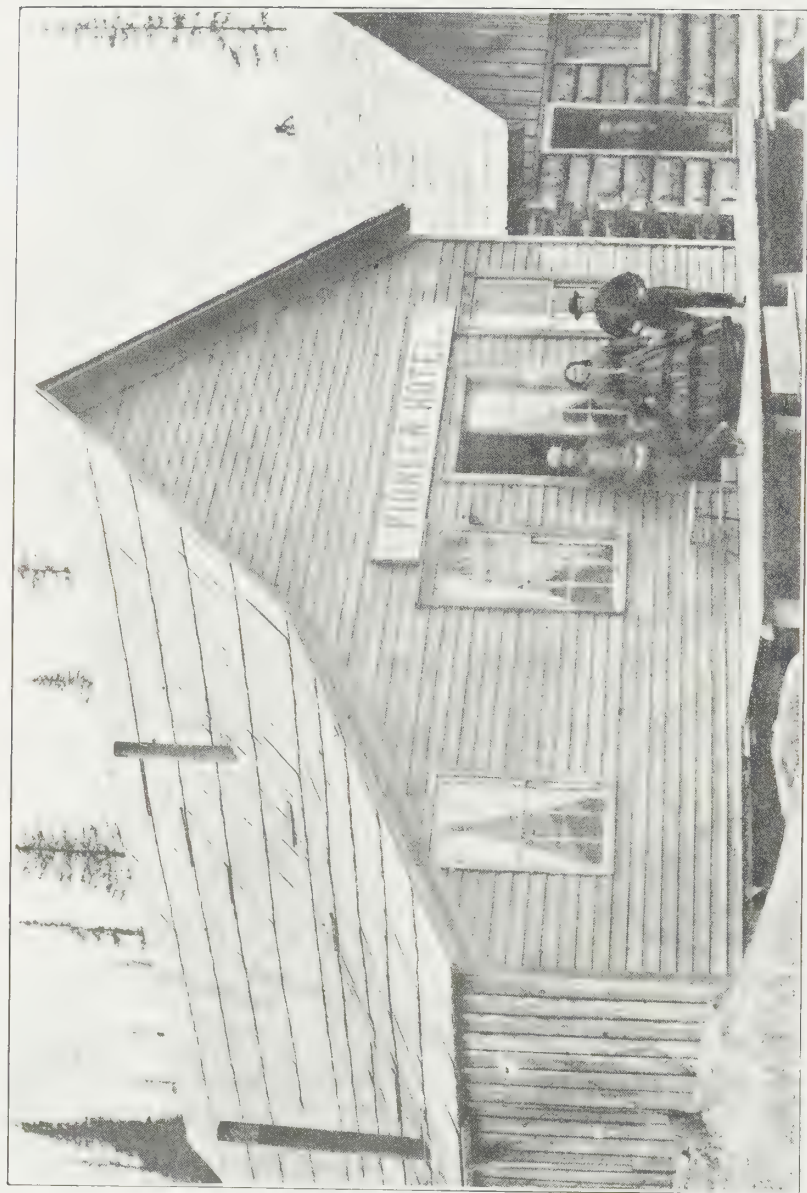
Mr. Ireland saw from the deplorable straits the people were in that considerable assistance would be necessary to get them out of their perilous position on account of the depth of the snow. Leaving his companions with them he started out for help, hallooing as he went, at frequent intervals, in case other benighted travelers might be within hearing and be attracted. One of his calls was answered from a canyon about half way back, to which he proceeded and there he found Fulford and his comrade.

They had struggled through the snow all day and at length, overcome by hunger, fatigue and cold, had given up all hope. Mr. Ireland supplied them with some food. Invigorated with that, and the confidence imparted by the presence of their deliverer, they crawled over the snow on their hands and knees for about a mile, when they reached the summit of the ridge. Here they traveled more easily down hill to the colored man's cabin, where they arrived about 9 o'clock that night.

Mr. Ireland, having made known the miserable condition of the unfortunates he had left, about twenty men volunteered to accompany him to the rescue, and next morning they began their toilsome journey as soon as they could see daylight. Breaking a trail through the deep snow they succeeded in getting the whole party, including the surviving animals, back to that haven of rest, the colored man's cabin, in safety. Mrs. Webster was placed upon the stoutest animal and the youngest daughter was occasionally carried by Mr. Ireland.

Thus were a party of thirty persons providentially rescued, mainly through the perseverance, courage and foresight of a heroic gentleman, Mr. Ireland. He was overwhelmed with the grateful thanks





MRS. JANET ALLEN, KNOWN AS "BIG JENNIE" AND "SCOTCH JENNIE"

The building was her boarding house at Cameron, but was moved to Mosquito Creek in the winter of 1868, where, it is thought, the photograph was taken. The men are Donald and James Rankin. Mrs. Allen met her death in 1870 by being thrown over the Williams Creek canyon. She was driving from Lightning Creek to Bar-kerville and was looking back when the horse went too close to the bank

of the rescued party, who clamorously insisted upon bestowing pecuniary rewards upon their rescuer, which he as persistently declined.

Two of the party had been carrying down Mr. Elwyn's, the gold commissioner's, books and papers, weighing two hundred pounds, which they had abandoned in the woods.





## PART II



## CHAPTER VIII

### THE EXPRESS

It seems fitting, in this place, to give a short account of the commencement and early years of the express business in the colony, especially in view of its intimate connection with the mining days of the Fraser and of Cariboo. The pioneer expressman was W. J. Ballou, commonly called Billy Ballou. Learning of the existence of gold on the tributaries of the Fraser during the winter of 1857-8, he accompanied Governor McMullin of Washington, and others, to Victoria to obtain from the officials of the Hudson's Bay Company, the facts as known to them.<sup>1</sup>

Having had experience as an expressman in California, he was quick to see the chance and seize the opportunity. In June, 1858, he established the first express between Victoria and the Fraser River mines—even as far as Lytton and Kamloops, or Fort Thompson, as he called it.<sup>2</sup> At Victoria this express connected with Freeman's, and thus with the world at large. Wells, Fargo & Co. did not attempt directly to enter into the Fraser River trade; but Kent & Smith's express operated in connection with them between Victoria and Lytton and Kamloops. Besides these, Mr. D. C. Fargo, in September, established an express between Yale and Lytton. This operated in connection with Ballou's, by which it was soon absorbed. On the Harrison-Lillooet route, Messrs. Lindhart & Bernard established an express connecting with Wells, Fargo & Co. But Ballou's was the important institution, and that which maintained regular communication with the mines at all times. It carried not only treasure and valuable parcels, but filled the place of the postal service, transmitting letters and newspapers. In the early days it was in a very crude and imperfect state. The means of transport was a canoe

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<sup>1</sup> Bancroft, B. C., pp. 351, 352.

<sup>2</sup> Advertisement in *Victoria Gazette*, July 3, 1858.



or the back of an Indian; the express office, the corner of a trader's shake house or a miner's log cabin; the chief source of gain, the sale of a few newspapers or the fee upon the few letters to and from the various mining bars; the business was as difficult of performance as it was precarious and scant in remuneration.

In 1859, when steamboat communication became more regular, Jeffrey came into the business, but without making any marked change in the service. Jeffrey's express passed over to F. J. Barnard in November, 1861. Barnard at once began a more earnest and efficient service.<sup>3</sup> He carried letters and papers on his back from Yale to Cariboo and return, a distance of seven hundred and sixty miles, and performed it at first entirely on foot. The hardships and exposure endured by the expressmen during the hard winter of 1861, travelling over ice and snow the whole distance, keeping open the line of communication with the interior were, perhaps, never equalled in any country. The next year Mr. Barnard established a pony express, that is, he led a horse loaded with express matter from Yale to Barkerville.

Ballou and Barnard continued to occupy the field. Intense opposition developed. But when, in July, 1862, the Governor called for tenders for the carriage of the mail into the interior, and Barnard obtained the contract, the struggle was practically over. The terminus of the mail route was Williams Lake. The postal rates varied according to distance. Thus from New Westminster to Douglas, Hope, or Yale, the postage on a letter was 5*d.*; to Lytton or Lillooet, 1*s.*; to Williams Lake, 2*s.*; to Quesnelle, 3*s.*; to Antler Creek, 4*s.*<sup>4</sup> As a matter of fact, notwithstanding these rates, all letters for points beyond Williams Lake went by express at express rates. As Sawney says:

"Your letter came by the Express  
Eight shillings carriage—nothing less."<sup>5</sup>

Newspapers were only carried as far as Lytton or Lillooet at a postal charge of 5*d.* Some idea of the business done by the express may be obtained from the fact that in June, 1862, Ballou's express

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<sup>3</sup> Biographical Dictionary, p. 92.

<sup>4</sup> *British Columbian*, July 23, 1862.

<sup>5</sup> Sawney's Letters, Letter No. 1.

made the trip from Williams Creek to Lillooet in five days, and to New Westminster in three days more, bringing out four hundred and forty-seven letters and \$18,000 in treasure.<sup>6</sup> The struggle between Ballou and Barnard ended in October, 1862, when Ballou retired from the contest with an empty purse and a broken constitution.<sup>7</sup>

An arrangement was then made between Dietz & Nelson and Barnard, whereby the former operated between Victoria, Yale, and Lillooet, and the latter beyond the two last mentioned places. In the summer of 1863, as Mr. Wright progressed with the construction of the Lillooet-Alexandria road, Mr. Barnard kept pace with him with the express, now developed into a two-horse wagon, running every ten days and carrying also two or three passengers. Dietz & Nelson, at the same time, put express wagons on the Douglas-Lillooet route, though there was already a stage line plying thereon. In September, 1863, parts of the Yale and Clinton wagon road being completed (Clinton being the point of junction of the roads from Yale and Lillooet for Cariboo), express wagons were also placed on it, connecting with saddle trains over the unfinished portions. During the winter of 1863-4 sleighs were put on in place of wagons wherever practicable, and thus was afforded the only connection with Cariboo.

In May, 1864, Barnard placed a line of fourteen passenger, four horse stages, all driven by crack whips, on the road from Yale to Soda Creek carrying express, mail, and passengers, connecting at Clinton with stages from Douglas and Lillooet and at Soda Creek with the *Enterprise* for Quesnel mouth.<sup>8</sup> In undertaking this piece of enterprise the public gave him credit for more pluck than discretion, but nevertheless the coaches were sent out regularly twice a week and never missed a trip. Relays of horses every thirteen miles enabled the trip from Yale to Soda Creek to be made in about forty-eight hours. Above Quesnel mouth a saddle train connected with the stages until the completion of the road in 1865, when regular stages were put on this section also. The coaches were provided with burglar-proof safes, having combination locks, of which the key numbers were known only to the agents at the termini. In the first year of

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<sup>6</sup> *British Columbian*, June 14, 1862.

<sup>7</sup> *Id.*, Oct. 18, 1862.

<sup>8</sup> *Id.*, Dec. 14, 1864.

the through stages, 1864-5, fifteen hundred passengers and treasure to the amount of \$4,619,000 were safely carried. In 1866, Barnard became proprietor of the whole undertaking, absorbing the business of Dietz & Nelson, and operating thereafter from Victoria to Williams Creek.

The following is the first advertisement of Barnard's express to Soda Creek:

EXPRESS FREIGHT  
and  
PASSENGER LINE  
STAGES

After the first day of May, 1864, the coaches of this  
line will run as follows:

UP TRIP

Leaves Yale on

MONDAYS AND FRIDAYS AT 3 A. M.

Passing over the

SUSPENSION BRIDGE

and

THROUGH THE CANYONS

By daylight, and reaching

SODA CREEK

In time to connect with the stern wheel steamer

*Enterprise*

On Thursdays and Mondays at daylight, reaching

QUESNELLE CITY

On the same day.

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DOWN TRIP

Leaves Soda Creek on the arrival of the *Enterprise* on Tuesdays and Thursdays, reaching Yale on Thursdays and Saturdays in time to connect with the steamers for New Westminster.

F. J. BARNARD.

Yale, April 30, 1864.<sup>9</sup>

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<sup>9</sup> *British Columbian*, May 4, 1864.







OLD STAGE VIEWS ON THE CARIBOO ROAD

The first stage to Soda Creek was driven by Mr. Charles G. Major. It carried nine passengers, including Mrs. Florence Wilson, James Orr, Robert Stevenson, and H. M. Steele of the celebrated Steele claim. Mr. Major was not one of the regular drivers; he was the messenger in charge of Barnard's express between Barkerville and Quesnel, and merely took the stage out on that occasion as he was on his way to Cariboo in the spring. Mr. Stephen Tingley, the best known driver in the colony, had gone on ahead with a large band of horses, leaving three or four at each station so as to afford the necessary relays. He took charge of the stage upon its return trip and drove continuously from that time to 1897, during which time he rose steadily from driver to partner, to director, to manager, and at last became sole owner of the business, which was then known as the British Columbia Express.

With the increase of business the stages were enlarged to six-horse coaches. At first the custom was to drive from Yale to Spence's Bridge (eighty miles) during the first day—the rate being only six or seven miles an hour; this occupied, with stoppages for changing horses and for meals, some fourteen or fifteen hours. The next day the drive was from Spence's Bridge to Clinton (fifty miles). There the stage from Cariboo was met, the passengers exchanged, and each driver set out on his return. After a time it was found advisable to drive the stages steadily all night. By this course, time was saved (as the road was free from freight wagons) and the exertion was easier upon the horses, especially in the summer.

The best time made by special conveyance from Yale to Barkerville was in carrying Sergeants Lindsay and McMurphy in charge of Berry, the murderer. On that occasion the three hundred and eighty miles were covered in thirty hours' continuous driving. The usual stage time over the same distance was four days. Besides Mr. Tingley, other well-known drivers upon the Cariboo road were James Hamilton, John Hamilton, W. A. Johnston, and Wm. Humphreys.

Closely connected with the express are the postal facilities of the time. Their root is in the annual brigade and occasional express of the North West Company and the Hudson's Bay Company. Besides the trading goods and the furs they carried letters and parcels to and from the inhabitants of the various forts, thus

forming, for many years, the only links with the outside world. These facilities were extended to strangers without charge, until the Norway House Council, on June 7, 1845, ordered that postage on letters from strangers should be charged west of the Rocky Mountains. Letters to and from the Columbia River, not exceeding half an ounce, were to be transmitted for \$1, with a further charge of 25 cents for each succeeding half ounce.<sup>10</sup>

Until about 1850, the *Norman Morrison*, or other annual ship of the Hudson's Bay Company for Vancouver Island, also carried letters, papers, and parcels from England. But by reason of the gold excitement in California and the increase of settlement on the Columbia River and in the vicinity, the United States Government organized a regular mail service to California, by way of the Isthmus of Panama. This was soon extended to Oregon, and later to Puget Sound ports. The mail for Vancouver Island thus reached Fort Vancouver and Olympia. A canoe manned by Indians and usually in charge of a Hudson's Bay Company's officer would leave Victoria for Nesqually with despatches and letters. These would be forwarded by Dr. William F. Tolmie, who was in command there, to Fort Vancouver, or elsewhere, to catch the mail steamer, and the canoe would return with despatches and mail matter. Mr. Joseph W. McKay had charge of this service. Letters to and from England were usually from six weeks to two months in transit.

Occasionally vessels bound for Puget Sound, for spars and lumber, called at Victoria and thus afforded an opportunity to forward letters. So, too, Her Majesty's ships gave similar opportunities.

The letters were kept in the office of Mr. Roderick Finlayson, the accountant of the Hudson's Bay Company. The Legislative Assembly complained, in April, 1857, "that the general postoffice is conducted within a public building, and letters are exposed under conditions which the committee does not deem safe." Governor Douglas answered that, "means should be provided for initiating a postal service, viz., £500: £100 for postmaster, £100 for postoffice, and £300 for carrying mails." The Legislature replied that there were no funds available, and "further that the letters were so few that they would not pay one-tenth part of the contemplated outlay," and then humbly acknowledged "the colony to be under great obli-

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<sup>10</sup> Resolution No. 105, cited in Morice Hist. of B. C., p. 291.







1861. Canoe with mails, Yale, B.C.



1881. Cariboo Mail Stage, Spuzzum, B. C.



1901. "Imperial Limited" Mail Train, Kicking Horse Canyon, B. C.

# THE EVOLUTION OF THE POSTAL SERVICE



gations to the Hudson's Bay Company for the kind and liberal manner in which they have carried gratuitously the letters from the American shores to this island." The Governor, nevertheless, removed the postoffice from the company's premises, erected a small building for the purpose, and installed Capt. James Sangster, who was already pilot, harbour-master, and collector of customs, as postmaster. He died in the following year and Mr. Wootton succeeded him.<sup>11</sup>

With the Fraser River excitement, Victoria became a regular port of call for all vessels from San Francisco. Mail communication became frequent, not of right, but by the kindness of the officials of the various steamers. Wells, Fargo & Co.'s express carried letters regularly to Victoria and forwarded them to the various mining bars. It was private, not public, enterprise that enabled these adventurers to keep in touch with the world. After 1860 a subsidy was granted for the carrying of mail to and from Victoria.

The first colonial postage stamps came into existence in 1861. They were the same for both colonies. Their colour was pink, and they bore a profile view of the Queen, super and subscribed "British Columbia and Vancouver Island. Two pence half penny." The decimal currency was introduced in Vancouver Island by act in 1862, and in 1865 new stamps of 5 and 10 cents values were issued. These stamps bore the Queen's profile and were superscribed "Vancouver Island," and the values in cents. The mainland issue had a central V surmounted by a crown superscribed "British Columbia" and with the value marked in pence. After 1865, when the decimal system became the legal system in British Columbia, these stamps had their values printed upon them in cents. W. R. Spaulding was the first postmaster in British Columbia. He was appointed for New Westminster and bore the dignified title of Postmaster-General.

The rates of postage imposed by Governor Douglas have been already given.<sup>12</sup> In 1864, the first Postal Act of British Columbia was passed, whereby the rates were fixed as follows:

Between Victoria and New Westminster, 3*d.* for each half ounce; newspapers, 1*d.*; on all letters arriving in the colony, except those

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<sup>11</sup> *Daily World*, March 20, 1895.

<sup>12</sup> Ordinances, 1864, No. 14.

from Vancouver Island, 3*d.* per half ounce in addition to the foreign postage; between postoffices in the colony, 6*d.* per half ounce.

After the union of the two colonies, viz., in 1867, the rates of postage on letters were:

From Vancouver Island to New Westminster, or any port of the colony, 5 cents; from Vancouver Island or New Westminster to Clinton or Savona's, 12½ cents; beyond these places, 25 cents; between any two postoffices above Hope, Yale, and Douglas, 12½ cents.<sup>13</sup>

If the letters were addressed to any foreign country they paid besides these amounts, a further sum for each half ounce, as follows: Aspinwall, 15 cents; Australia *via* Panama, 30 cents; Austria, 35 cents; Belgium *via* France, 47 cents; British North America, 15 cents; Cape of Good Hope, 50 cents; Chili, 39 cents; Cuba, 40 cents; China, 25 cents; Denmark, 40 cents; France, 40 cents; Germany, 35 cents; Great Britain and Ireland, 25 cents; Greece (by French mail), 65 cents; Holland *via* France, 47 cents; Mexico, 15 cents; Norway, 43 cents; Panama, 15 cents; Peru, 30 cents; Poland, 40 cents; Portugal *via* England, 50 cents; Prussia, 35 cents; Russia, 40 cents; Sandwich Islands, 25 cents; Spain *via* France, 47 cents; Sweden, 40 cents; Switzerland (French mail), 50 cents; United States, 15 cents; British West Indies, 15 cents; West Indies, 40 cents.<sup>14</sup>

These rates prevailed until confederation in 1871. The stamps issued between 1861 and 1871 for the colony of British Columbia were 2½ penny, pink; 3 pence, blue; 5 cents, red; 10 cents, blue; 5 cents, bright red; 10 cents, rose pink; 25 cents, orange; 50 cents, violet; \$1.00, green.

#### THE GOLD ESCORTS OF 1861 AND 1863

In one of his earliest addresses to the miners, Douglas had said: "As soon as good and trusty men are found, measures will be taken for the conveyance and escort of gold from the mines to this place. Every miner will give in his own sack and his own weight and have it addressed and sealed in his own presence, and get a receipt for a sack said to contain so much gold dust. It will be deposited in the

<sup>13</sup> Ordinances, 1867, No. 25.

<sup>14</sup> B. C. Directory, 1868, p. 79.





CARIBOO GOLD ESCORT IN 1862



SCENE ON OLD CARIBOO ROAD



public treasury at Victoria and delivered to the owner on production of the deposit receipt. There will be a charge made for the expense of conveyance, but that will be a small matter compared to the security of your property."<sup>15</sup>

Writing to Sir E. B. Lytton in October, 1858, Douglas remarks that, though authorized by the Home Authorities, he has not established a gold escort, owing to inability to obtain trustworthy officers.<sup>16</sup>

After much consideration, the Governor, in July, 1861, perfected his scheme and established the escort. Gold was to be conveyed to New Westminster from Douglas for 3*d.* an ounce, from Lillooet for 6*d.* an ounce, from Williams Lake for 10*d.* an ounce, and from Quesnelle for 1*s.* an ounce, with corresponding rates for intermediate points.<sup>17</sup> Unless transmitted for assay by the Government, a further charge of 3*d.* an ounce after the expiration of the first month's custody would be made. All dust must be tied up and sealed by the depositor. While all precautions for safe conveyance and custody would be taken, the Government would not hold itself responsible for loss of gold entrusted to its care.

The escort was at once formed. Handsomely uniformed, well mounted, and thoroughly armed, the men presented quite an imposing appearance.<sup>18</sup> There were about a dozen in all, with a guard from the Royal Engineers. The gold boxes, in which the treasure was to be conveyed, resembled somewhat the mail furniture in England.<sup>19</sup> The corps was in command of Thomas Elwyn, with Philip Hankin as second. On the first trip, the escort only went as far as Lillooet, returning with \$10,000 in gold dust.<sup>20</sup> On the next trip it reached Williams Creek, but the miners would not patronize it owing to the Government's refusal to guarantee safe delivery.<sup>21</sup> Ultimately, in order to obtain the gold for transport, Mr. Elwyn gave his own personal guarantee. As a result, some \$30,000 was brought down. The third trip of the escort was only as far as Lillooet, from which place it brought but \$10,000.<sup>22</sup>

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<sup>15</sup> Begg's History of B. C., p. 277.

<sup>16</sup> B. C. Papers, pt. 2, p. 10.

<sup>17</sup> *British Columbian*, July 25, 1861.

<sup>18</sup> *Id.*, Aug. 1, 1861.

<sup>19</sup> *Id.*, Oct. 31, 1861.

<sup>20</sup> *Id.*, Aug. 22, 1861.

<sup>21</sup> *Id.*, Oct. 17, 1861.

<sup>22</sup> *Id.*, Nov. 21, 1861.



The experiment thus proved a complete failure. The rates charged were certainly very reasonable, were, indeed, far below what ought to have been made for the service, but by reason of the failure of the Government to assume the liability for loss, the miners, as a whole, concluded either to bring their gold themselves or to intrust it to the express companies which undertook to be responsible for it.<sup>23</sup> The attempt cost the colony about \$30,000, and the total receipts were but \$300.<sup>24</sup>

No endeavor was made to revive the escort in 1862, but in the spring of 1863, an agitation arose in Victoria for its re-establishment.<sup>25</sup> The immediate cause of this movement was the brutal murder and robbery, in the preceding summer, of three traders who were carrying some \$12,000 from Cariboo. The formation of a branch of the Bank of British Columbia at Williams Creek was also a factor, as it was expected that the greater part of the gold produced there would find its way into that bank and thus provide the escort with something to do. At that time, Barnard's express and Dietz & Nelson's were bringing out from \$5,000 to \$20,000 a week. The error in regard to the charge for transport was avoided on this occasion. Following somewhat the scale in vogue in Australia, where 12*d.* per ounce was charged for the carriage of gold by escort for one hundred and sixty-six miles, the rate was now fixed at 50 cents an ounce, but still no guarantee against loss was to be given.

The escort was re-formed in June, 1863. It consisted of fifteen men, mounted as before, with Mr. Thomas Elwyn again in command.<sup>26</sup> As in 1861, its route was by way of Douglas and Lillooet. It was suggested that the escort might also carry the mails as soon as Mr. Barnard's contract should expire, but when put into operation it was found altogether too slow to serve that purpose. Its first trip to Williams Creek occupied six weeks, and it was entrusted with \$40,000, while in the same period the express brought down over \$103,000. The cost of this trip was about \$12,000; its returns, only some \$1,250. Mr. Diller, one of the wealthy miners of Cariboo, came down about the same time with treasure to the amount of \$75,000, preferring his own guardianship rather than that of a

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<sup>23</sup> *British Columbian*, May 30, 1863; June 17, 1863.

<sup>24</sup> B. C. Papers, pt. 4, p. 64.

<sup>25</sup> *British Columbian*, May 9, 1863.

<sup>26</sup> *Id.*, Aug. 12, 1863.

government which refused to assume responsibility for loss.<sup>27</sup> On the second trip, the escort carried about \$95,000, of which \$70,000 was the property of the Bank of British Columbia. The time occupied, and the cost, were practically the same as the former. The receipts were about \$3,000.<sup>28</sup> The third trip showed \$78,000 in the custody of the escort, of which \$63,000 belonged to the Bank of British Columbia. Mr. Macdonald, who had also a branch bank at Williams Creek, and who handled fully as much gold as the other bank, refused to patronize the escort. That it did not show better results was not owing to the scarcity of gold to be handled, for, at the same time, private persons and the Barnard express were coming out with an average of \$100,000 a week. On the last trip the escort straggled along in two sections with but \$68,000.

When the scheme had been first mooted, it was said that the cost of operation in 1863 would be \$44,000, while the earnings were estimated at \$55,000. At the end of the season it was found that the cost had been \$60,000 and the earnings \$9,000. The people complained bitterly of this loss in a venture for which there was no crying necessity and for which no request had been made by the colony. The two gold escorts had been complete fiascoes and had piled up a loss of about \$80,000 on a young and struggling colony.

#### THE OVERLAND PARTIES, 1862-3

Reference has been made to the overland journeys to British Columbia in 1862. This route had been much advertised in England, and a fraudulent company—The British America Overland Transit Company—actually sold tickets for conveyance by stage from St. Paul to Cariboo.<sup>29</sup> When they arrived at St. Paul the deluded purchasers learned that the sumptuous stage coaches were but a figment of imagination. The majority abandoned the journey, and, returning to England, successfully prosecuted the company for fraud. The remainder joined a large expedition from Canada, which included 24 from Queenstown, 21 from St. Thomas, 19 from Huntingdon, 8 from Ottawa, 7 from Toronto, 7 from Montreal, 7 from Ogdensburg, N. Y., 7 from the Red River settlement, including Mrs. Augus-

<sup>27</sup> *British Columbian*, July 29, 1863.

<sup>28</sup> *Id.*, Sept. 7, 1863.

<sup>29</sup> *Overland to Cariboo*, p. 20.

tus Schubert and three children, 6 from Acton, 6 from Whitby, 6 from Waterloo, 5 from Scarborough, 5 from London, 5 from Goderich, 3 from Chatham. With additions at Edmonton, it amounted to 150 in all.<sup>30</sup> Besides this large body, two other parties, numbering about fifty, followed later. There was also a party—the Rennie party—composed of five persons.

At Long Lake the main body was formed into a sort of military organization—each of the various contingents selecting a captain. As in the great American immigrations into Oregon and California, this body did not keep closely together, some portions being a day's, or a number of days' journey behind the majority. Leaving Long Lake on June 5th, the South Saskatchewan was reached on the 30th, and Carleton House the next day. Wading the smaller tributaries of the Saskatchewan, and building eight bridges from forty to one hundred feet in length to cross the others, they came to Edmonton on July 21st. Rumors of the existence of gold in the Saskatchewan caused them to prospect that river, but without material success. After much consideration the Yellowhead Pass was selected as the line of route. The Red River carts, which had been used for transport to this point, were abandoned and, on July 29th, with one hundred and forty horses laden with from one hundred and fifty to two hundred and fifty pounds each, the journey was recommenced. Coal croppings were seen at various points along the Saskatchewan. On August 13th the party got their first glimpse of the snow-clad Rockies, standing out in bold relief against the blue sky, and anon glistening in the sun like fleecy clouds upon the horizon. Following the south bank of the Athabasca they passed Jasper House on the 19th, and two days later the ruins of Henry House. By this time their provisions were nearly exhausted, the last of the pemmican—that non-descript essential of prairie travel—was gone, and for meat they had to depend on their guns.

On August 26th Tête Jaune Cache was reached. Here the party divided. The most of the horses were sent across country towards the North Thompson in charge of twenty men, including A. Thompson, John Fannin, Putnam and A. L. Fortune. The remainder built rafts, intending to drift down the treacherous Fraser. Four rafts, about forty feet long and eighteen feet wide, very strongly fastened

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<sup>30</sup> *British Columbian*, Dec. 10, 1862.







1, Captain Jennett. 2, A. C. Wells. 3, William Teague. 4, W. H. Ladner. 5, Thomas Cunningham. 6, ———. 7, Jonathan Reece. 8, Mr. Smedley. 9, G. R. Ashwell. 10, C. G. Major. 11, Peter Latham. 12, ———. 13, J. C. Armstrong. 14, G. W. Chadsey. 15, A. M. Nelson. 16, Henry Kipp.

#### OLD TIMERS OF FRASER VALLEY

This Group was taken at Chilliwack Fair, 1901

to withstand the destructive force of the waters, were constructed. They were fitted with rowlocks and long sweeps, more to guide them than as means of propulsion. They were enclosed with railings to which the remaining animals were tied. On these unwieldy craft they drifted from daylight till dark, living like Mississippi raftsmen, and though oft in imminent danger in the canyons with their rapids and whirlpools, succeeded in reaching Fort George on September 8th, and Quesnel three days later.

The party from Toronto, among whom were a Mr. Jones, H. Fletcher, Alfred Handcock, W. Carpenter, and R. H. Alexander, were behind the main party. Instead of making a raft, they obtained canoes and commenced the descent of the Fraser.<sup>31</sup> Arriving at the Grand Canyon, Messrs. Carpenter and Alexander undertook to run the canoe through, whilst the others portaged the goods. In mid-stream the canoe struck a rock and capsized. Carpenter seemed stunned, made no effort to save himself, and sank immediately. Mr. Alexander, however, succeeded in reaching shore after great exertions—one of the very few instances of escape from the deadly embrace of the Fraser's ice-cold waters. Carpenter had some strange presentiment of his approaching end; in examining his effects, his diary was found to contain this last entry: "Arrived at the Grand Canyon; ran the canyon, and was drowned."

Those who, leaving the larger body, travelled by the North Thompson had similar experiences. Progress by land being slow and difficult, they also built rafts and essayed to float down that turbulent stream. They lost two of their number by drowning in attempting to run its dangerous rapids.

Amongst the overland arrivals in these expeditions were Dr. Stevenson, Thomas McMicking, R. B. McMicking, Archibald McNaughton, John Bowron, G. C. Tunstall, J. A. Mara, James Wattie, W. Fortune, and R. H. Alexander.

Viscount Milton and Dr. W. B. Cheadle, who crossed by the Yellowhead Pass in 1863, followed the steps of the Thompson River detachment from Tête Jaune Cache to the place where the latter had killed their animals and embarked on their rafts. The uncolored, yet graphic description which they give of their difficulties in following their predecessors on the land journey down the North

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<sup>31</sup> Overland to Cariboo, pp. 97, 98.

Thompson affords a clear view of the stupendous difficulties which these pioneers faced and overcame.<sup>32</sup>

The experiences of the other parties in their attempts to descend the Fraser were similar to those already given. The rapids and canyons claimed their toll. The small Rennie party were particularly unfortunate. In a canyon about a hundred miles above Fort George their canoes were upset and their provisions lost, though they escaped after great injury from exposure. The river being full of floating ice, two of the number volunteered to go for aid, leaving the other three with the remainder of the food by the river side. When aid reached the spot, the three were dead. Gruesome stories circulated, regarding the circumstances of their death, but the truth remains a mystery, known only to the pines of the forest which encircled the scene.<sup>33</sup>

#### THE MINT

In April, 1859, the House of Assembly of Vancouver Island passed a resolution asking Governor Douglas to "urge upon the Home Government the desirability of establishing a mint on Vancouver Island." He at once asked permission to establish an assay office in Victoria, urging that it would afford facilities for collecting an export tax upon gold, which Sir E. B. Lytton had recommended as a desirable form of taxation. Three days later he wrote: "A mint would certainly be more efficient but that is an expensive establishment, though if Her Majesty's Government were to set one up, I think the circumstances of the country would justify the outlay." The resolution of the Vancouver Island Legislature was referred to Capt. W. Driscoll Gossett, R. E., Treasurer of British Columbia. This gentleman had been commissioned by Sir E. B. Lytton to organize a mint (of which an assay office forms a part) should the necessity for such an establishment arise. "At the capital, therefore," he reported, "as in most countries, there should the mint be established, and not on Vancouver Island, as proposed by the House of Assembly of Vancouver Island, and, in all respect, I

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<sup>32</sup> Milton & Cheadle, *Northwest Passage*, p. 281.

<sup>33</sup> *British Columbian*, July 11, 1863; Dec. 23, 1863; Milton & Cheadle, *Northwest Passage*, p. 327.







Jim Indian, V. B. Tait, Dr. Black, A. T. Bushby, W. J. Armstrong, Captain Ball, T. Morey,  
H. V. Edmonds, Jack Fannin, F. G. Claudet

GOVERNMENT OFFICES, NEW WESTMINSTER, 1864



THE MINT, NEW WESTMINSTER, 1862

venture to think, inadvertently acquiesced in by His Excellency, the Governor of the two colonies.”<sup>34</sup>

This report seems to have altered the Governor's opinion, for, in forwarding it, he refers to the scarcity of coin in the colony, and instead of pressing for a mint as a remedy, says: “This is a serious evil, and if Her Majesty's Government would entertain the suggestion of sending out a supply of coin, it would confer a benefit on the colony.”<sup>35</sup>

The Duke of Newcastle, on the advice of the master of the mint, consented to the establishment of an assay office and refinery. Mr. F. G. Claudet and Mr. F. H. Bousfield were appointed assayer and assistant assayer.<sup>36</sup> On August 1, 1860, the assay and melting parts of the mint were established at New Westminster and were operated until November, 1861.<sup>37</sup> Then the Governor suddenly concluded that the time had come to complete the establishment by the addition of a coining plant. He informed the Duke that he proposed to take immediate steps for the manufacture of gold pieces equal in value to the \$10 and \$20 American coins, and to bring them into general use as a circulating medium in both colonies. His plan did not contemplate refining the gold, as that would greatly increase the expense; he merely proposed to bring it to a uniform standard of fineness, without separating the natural alloy of silver, which, to some extent, exists in all the gold of British Columbia. The pieces would be prepared at the Government's assay office and would bear the stamp of unquestionable character; and he was of opinion that by making the gold contained in them of the full current value of the piece, without taking the silver into account (which he proposed should go as a bonus), they would not only answer as a cheap and convenient currency within the colonies, but also have the same value when exported to other countries. He thought that all the machinery required for this purpose could be procured in San Francisco for about £500 and without materially adding to the expense of the existing establishment.<sup>38</sup>

Soon the report was current that a small second-hand plant had been obtained in San Francisco, as the urgency had become so great

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<sup>34</sup> B. C. Papers, pt. 3, pp. 2, 5, 14, 15.

<sup>35</sup> Id., p. 13.

<sup>36</sup> Id., pp. 101-103.

<sup>37</sup> *British Columbian*, May 17, 1862.

<sup>38</sup> B. C. Papers, pt. 4, p. 62.

that the Governor considered it inadvisable to delay until machinery could be sent out from England.

Mr. Claudet returned from San Francisco in H. M. S. *Forward* on March 29, 1862, bringing with him the long-looked for plant which had been purchased there at a cost of \$8,609.<sup>39</sup> It was similar to those in use in the small South American states. Now a sudden change again took place in the conduct of the Governor. Every obstacle, every objection was interposed. He would not supply the money for the building, nor for the installation of the machinery. However, with the aid of Colonel Moody, the necessary building was erected; and with the assistance of the tars from the man-of-war the mint machinery was finally housed. The whole apparatus was to be worked by steam power, except the coining press, which was to be turned by hand.<sup>40</sup>

By the month of July, 1862, the mint was ready for operation, and the nervous and mercurial little Treasurer, whose heart was set on having some specimens of coins manufactured in his own department, had a few \$10 and \$20 pieces struck off.<sup>41</sup> The coins were of the same diameter and value in gold as those of the United States, but were of unrefined gold of the fineness of .850. The \$20 piece weighed five hundred and forty-six and one-third grains and contained about 20 cents worth of silver. These coins never went into circulation and are now amongst the rarest. Then came the Governor's laconic, historic order to "grease it and lay it away." It is difficult to understand how as a medium of exchange, such coins would be any better than gold in bars.

No proclamation was ever issued declaring this anomalous money legal tender and receivable in payment of duties and taxes; nor was any consent to the establishment of a branch of the Royal Mint in British Columbia ever obtained. There are many interesting questions in connection with this incident, but they lie rather in the province of the monographist than in that of the historian.

The whole cost of this little play was in the neighborhood of \$14,000, which was, of course, simply wasted. The machinery was

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<sup>39</sup> Langevin Report, app. Y. Y.

<sup>40</sup> Id.

<sup>41</sup> *British Columbian*, July 9, 23, 1862.



allowed to lie idle until the time of the construction of the British Columbia Penitentiary, in 1876, when some of it was sold to Mr. Mann for use in that work.

#### FINANCES DURING DOUGLAS'S MANAGEMENT

Inseparably connected with the great work of organizing the colony, providing for its government, and establishing the means of communication was the vexed problem of finance. Here the stubborn attitude of the Imperial Authorities, the nature of the country, and the class of persons the Governor had to deal with, added greatly to the inherent difficulties of the problem. We have seen that his first move was to levy a tax of 10s., increased in February, 1859, to 21s., a month on each miner. In June, 1858, he levied a head tax of \$2 on each person entering the country. Originally intended as a remuneration to the Hudson's Bay Company for such entrance, when Sir E. B. Lytton refused his consent,<sup>42</sup> the tax was, nevertheless, continued on behalf of the general revenue, though it was not until June, 1859, that a proclamation was issued legally levying it and reducing it to 4s.<sup>43</sup> The Californian miners who constituted the inrush of 1858 evaded these taxes by taking by-paths, as the trail from Whatcom, or debarking at that port or Semiahmoo and entering by canoes. To enforce payment, H. M. S. *Satellite* was stationed at the mouth of the Fraser River. The miners chose then the narrow entrance, Canoe Pass, or so arranged their itinerary as to reach the mouth of the river at night. The old brig *Recovery*—a mere hulk—was then anchored in the vicinity of Langley to collect these charges. But now the Home Government interfered, pointing out that the miners' license could only be collected from persons engaged in mining. The necessity of following the miners into spots fearfully wild and almost inaccessible greatly increased the cost of collection.

In August, 1858, an *ad valorem* duty of ten per cent was levied on all goods entering the colony.<sup>44</sup> It was supposed by those who paid it to be compensation for the breach of the Hudson's Bay Company's license of exclusive trade with the Indians, though it was, later, stated officially that this duty was merely collected by the

<sup>42</sup> Ante, pp. 28, 29, 31.

<sup>43</sup> Proclamation, June 2, 1859.

<sup>44</sup> *Victoria Gazette*, Sept. 4, 1858.



company as agents for the Government.<sup>45</sup> This incident shows how vague and indistinct were the lines between the company's acts and the Crown's acts, for in every case the actor, though acting on the Crown's behalf, was an employé of the company, and the act itself done in the company's office or trading post. When well-informed men like Mr. Amor de Cosmos, the editor of the *Victoria Gazette*, were in doubt on such a point, the mental condition of the average miner can be readily conceived. These duties were levied without any proclamation authorizing them, until December, 1858, when James Douglas, who in the preceding September had become Governor of the colony, issued a proclamation levying a duty of ten per cent on all goods imported, except flour, bacon, spirituous and fermented liquors, beans, barley, and oats, which were subject to certain specified rates. There were a certain number of articles, such as meat, fish, vegetables, live stock, books, and papers, wearing apparel, and professional apparatus, on the free list.<sup>46</sup>

Up to the end of February, 1859, the mining licenses produced £6,522, the head money, £1,417, the Customs, £5,398. These items, with £100 for a license to sell intoxicating liquor at Langley, and £6,651, the proceeds of the sale of lots at old Fort Langley (Derby), constituted the revenue to that date.<sup>47</sup> To collect the mining licenses had cost £3,390, of which £2,143 represented the expense of maintaining H. M. S. *Satellite* at the mouth of Fraser River, and the *Recovery* at Langley and Queensborough (New Westminster). The Ned McGowan war had cost £504 and the Harrison-Lillooet trail £12,064. The net result of the first year's operations was a deficit of £2,135.

The Customs duties were, in the following June, increased, especially on liquor, tobacco, and articles of food entering largely into the consumption of the mining population. This was a sort of off-set to the reduction of the mining license which, by proclamation of August 31, 1859, was reduced from 21s. a month to £1 per annum. As a further source of revenue, a tax of 12s. per ton, known as the tonnage tax, was, by proclamation of December 10, 1859, levied on all goods leaving New Westminster. In reporting this measure, Governor

<sup>45</sup> *Victoria Gazette*, Oct. 19, 1858; B. C. Papers, pt. 2, p. 12.

<sup>46</sup> Proclamation, Dec. 3, 1858.

<sup>47</sup> B. C. Papers, pt. 3, p. 3.

Douglas says: "This is simply a revenue act, intended to raise a fund to be applied to the opening and improvement of the navigation in the Fraser and Harrison Rivers, and especially to the removal of an extensive shoal in the latter which renders it impassable by the river steam-vessels for a great part of the year."<sup>48</sup> The estimated receipts from this source for 1860 were £8,000.

In 1859 the receipts from Customs duties were £18,464. The revenue from land sales, which included the proceeds of the sale of Queensborough (New Westminster) lots, was £18,877.<sup>49</sup> The Governor had been anxious to place on sale public lands for agricultural purposes, and on February 14, 1859, had issued a proclamation in which, following Sir E. B. Lytton's suggestion, the price had been fixed at 10s. an acre. But the prevailing spirit was for the sudden wealth of the mine, contemning the surer, if slower, process of patient tilling of the soil. But here and there was a man who, tired of chasing the will-o'-the-wisp, seeing the high prices obtained for all farm produce, settled on some fine bit of agricultural land. If possible, he selected a spot near the line of the trail, or later the Cariboo wagon road, and, building there a log cabin larger than his own necessities required, combined the avocations of farmer and inn-keeper, having in the foot-passengers, the mule trains, and, later, in the freight wagons and passenger stages, a good market for his produce. These cabins, road-houses as they were called, took their names from the nearest mile-post, as, for instance, the 70 Mile House, the 83 Mile House, and the 150 Mile House.

The principal heads of income for 1860 were: Customs, £30,416; land sales, £11,075; licenses, spirit and trading, £2,174; tonnage dues, £3,669; free miners' licenses, £1,436; head money, £1,054.<sup>50</sup> Various miscellaneous items brought the total revenue to £53,326. Establishments, including salaries and contingencies, absorbed £16,432; roads, streets, and bridges, £21,076; public works and buildings, £1,493; surveys and explorations, £1,635. The result was a surplus of about £10,000. A scrutiny of the accounts shows that Governor Douglas—Midas-like—transmuted into gold every natural advantage he touched. The records prove that the creeks were the

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<sup>48</sup> B. C. Papers, pt. 3, p. 77.

<sup>49</sup> B. C. Papers, pt. 3, p. 43.

<sup>50</sup> B. C. Papers, pt. 4, pp. 45, 57.

first to aid the revenue. Companies supplying water for sluicing and other mining operations usually paid one day's returns in each month as rent; and every little stream between Hope and Lytton had its company. Each eligible ferry site was leased at £120 per annum; small tramway sites and sawmill locations with water rights commanded similar rentals. Yet in all cases, the public interest was protected by a limitation of the charges.<sup>51</sup>

The Customs duties, including tonnage dues, head money, etc., yielded, in 1861, £41,177, the road tolls £6,676, and the licenses, trade and spirit, £2,748. The land sales decreased to £6,966, but the free miners' certificates increased to £2,339—this being the first year of the Cariboo excitement. These amounts, with the usual miscellaneous sources of revenue, the surplus of £10,685 from 1860, and some £3,000 arising from the sale of bonds, swelled the whole receipts to £77,053. Establishments increased to £23,100, roads, streets, and bridges, including the first expenditures on the wagon road up the canyons from Yale, £34,600. The other items, police and gaols, £3,000, transport and conveyance of mails, including the miserable fiasco of the Gold Escort, of that year, £5,000, works and buildings, £3,500, and other services brought the grand total expenditure for 1861 to £79,369, leaving a deficit of over £2,316.<sup>52</sup>

Thus Douglas had been able, until he undertook the immense task of road-building to Cariboo, to carry on the Government, police, explore, and survey the country, maintain order and build rough trails and roads without creating any appreciable debt. Considering the conditions of the country and the magnitude of the task, such a result is amazing. The cost of the Royal Engineers was the only aid (beyond a small advance for lighthouses) that the Home Government contributed, and even this, though originally intended as a gift, was changed to a loan when Sir E. B. Lytton learned of the constantly increasing discoveries of gold. The stereotyped tone of Lytton's Despatches was that the colony must, unaided, carry the burden of its own requirements. On one occasion he wrote: "It would be strange, indeed, that this country should be called upon to render pecuniary assistance to supply the ever-recurring wants of an infant settlement which has been actually forced into existence through the

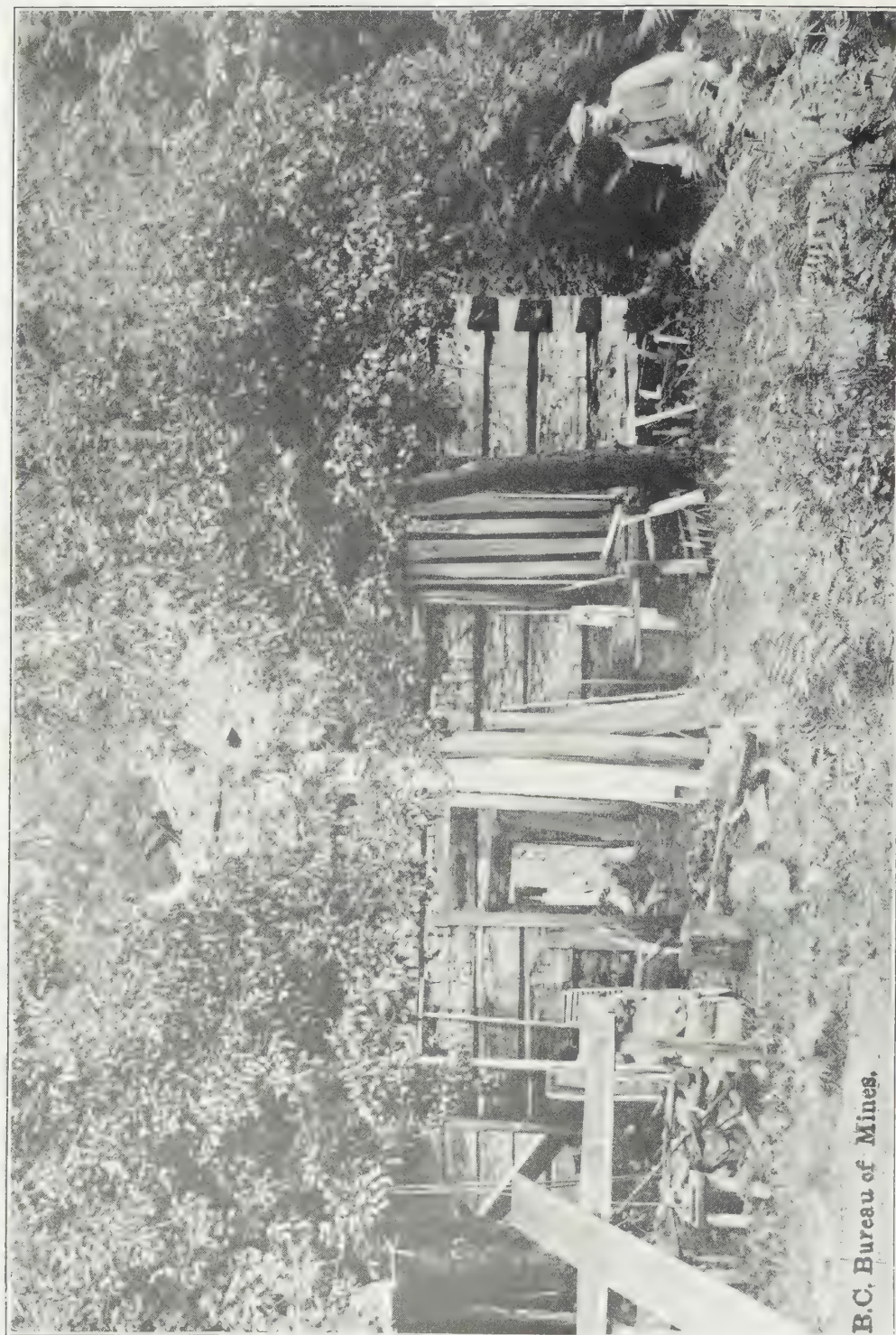
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<sup>51</sup> Yale, Mining Record Book, 1858-68.

<sup>52</sup> B. C. Papers, pt. 4, p. 64.







**B.C. Bureau of Mines.**

OLD GOVERNMENT OFFICE, LEECH RIVER  
Occupied during gold excitement there in early '60s

ample supplies of gold afforded by the country it occupies."<sup>53</sup> And not only so, but he further insisted that the funds advanced on account of the Royal Engineers should be the very first to be repaid. In vain, Douglas pointed out that large capital expenditures must be made before returns could appear. In vain, he asked for temporary assistance. His request for a grant of £200,000 to open up the country was refused; and when he asked for it as a loan he received the same reply. In vain, too, he continually placed before Lytton the great difficulties of road-building amidst the rugged mountain passes and inaccessible regions of the colony, and dwelt upon the stupendous obstacles and the enormous expense. Downing Street was obdurate. They could not or would not understand the conditions. All they could or would understand was that every day brought news of great gold discoveries, each richer than the last. They decreed that British Columbia, even in its swaddling clothes, must walk, unaided. The mother would not lend even temporary support.

On the other hand, the miners clamored for better means of access to the inland treasure house, claiming, and rightly, that they were taxed for head money on entrance, for license to mine the gold, and that in all they ate and all they used they were contributing indirectly to the support of the Government, that they were, in fact, the one industry of the colony, and yet the condition of the trails and bridle paths where any at all existed was such that the expense of bringing in food and supplies was almost prohibitive. A wagon road to Cariboo was a prime necessity. The Governor recognized that it must be built. He looked further and saw a road upon which farmers and settlers replaced the miners and, far beyond, a vision of a great transcontinental highway—a main colonization road by which the people of Canada, which he always regarded as the immigrant supply depot, should find access to this golden land, not as ephemeral miners, but as permanent residents.

Without assistance from the mother country, and the local revenue being absorbed as shown in the ordinary work of government, Douglas was driven into the loan market for the necessary money to build the Cariboo road. It was the fashion on the mainland to sneer and charge that his excessive borrowing had ruined the colony. The manner in which he built that road has been already

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<sup>53</sup> Letter, Lytton to Douglas, April 12, 1859; B. C. Papers, pt. 2, p. 85.

told. It cost about \$1,250,000. Yet at the end of 1863, when it was practically completed, the bonded indebtedness of British Columbia was £112,750, made up as follows: Under the British Columbia Loan Act, 1862, £50,000; under the British Columbia Loan Act, 1863, £50,000; under the Cook's Ferry and Clinton Road Bonds Act, £12,750.<sup>54</sup> When we consider the roads and trails he built, the public buildings he erected, and the complete transformation which he effected in this wilderness during his five years in office, the impartial historian must accord to Governor Douglas unstinted praise for his financial management. On his retirement, in 1864, the floating indebtedness was £16,000, making the whole liabilities created by him £128,750.

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<sup>54</sup> Ordinance, No. 7, 1864.







No. 1—CAPT. JAMES COOK, R.N.—Famous Circumnavigator. Discovered Nootka Sound, 1778.

No. 2—CAPT. GEORGE VANCOUVER, R.N.

No. 3—SIR ALEXANDER MACKENZIE—First white man to reach shore of the Pacific overland. Arrived July, 1793.

No. 4—DAVID DOUGLAS—Noted Botanist. Douglas Pine was named in his honor.

No. 5—SIR HARRY BURRARD NEALE, R.N.—Burrard Inlet was named after him.

## CHAPTER IX

### A SKETCH OF VANCOUVER ISLAND EVENTS FROM 1858 TO 1864— LIST OF OFFICERS OF BOTH COLONIES

The complete transformation of the mainland as the result of the gold discoveries has engrossed our attention up to this point; let us now turn and view the effects, fully as wonderful, which those discoveries produced on Vancouver Island.

The Victoria of the ante-gold days enjoyed a quiet and almost monotonous existence. It lay in a sort of eddy, out of the swirl and struggle for this world's riches. And while it can not be said that its inhabitants lived like the lotus-eaters, yet they did enjoy a life comparatively free from the stress which is the invariable adjunct of a more complex civilization.

The Hudson's Bay Company's fort, occupying the space between Bastion, Government, Broughton, and Wharf streets, formed, so to speak, the centre of the little settlement. A visitor thus describes the fort as he saw it in 1846: "The fort itself is a square enclosure, stockaded with poles about twenty feet high and eight or ten inches in diameter, placed close together, and secured with a cross piece of nearly equal size. At the transverse corners of the square there are strong octagonal towers, mounted with four nine-pounder guns, flanking each side, so that an attack by savages would be out of the question; and, if defended with spirit, a disciplined force without artillery would find considerable difficulty in forcing the defences. The square is about 120 yards; but an increase, which will nearly double its length from north to south, is contemplated. The building is even now, though plain to a fault, imposing from its mass or extent, while the bastions or towers diminish the tameness which its regular outline would otherwise produce. The interior is occupied by the officers' houses,—or apartments, they should rather be called,—stores, and a trading-house, in which smaller bargains are concluded,

and tools, agricultural implements, blankets, shawls, beads, and all the multifarious products of Sheffield, Birmingham, Manchester, and Leeds, are offered at exorbitant prices. There being no competition, the company has it all its own way; it does not profess to supply the public; indeed, although it does not object to sell to people situated as we were, yet the stores are for the trade in furs, to supply the native hunters with the goods which they most value, as also for the use of its own dependents, who, receiving little pay, are usually in debt to the company, and are therefore much in its power. In fact, the people employed are rarely those to whom returning home is an object; they have mostly been taken from poverty, and have at all events food and clothing. The work is hard, but with health and strength this is a blessing rather than otherwise.”<sup>55</sup>

The same visitor goes on to say: “Mr. Finlayson, the gentleman in charge of the establishment, appears to be an intelligent man, who by perseverance and a uniform system of adhering to his word and offering stated prices in barter, never receding or offering less, seems to have succeeded in impressing the natives with a considerable degree of respect for himself and the fort. Only one brush has the company had with the Indians, but it ended in a day or two; the gates of the fort having been closed, a nine-pounder fired several times to show what could be done, and judicious and conciliatory advances made to the chief, the peaceable intercourse—from which sprang blankets, hatchets, knives, fish-hooks, and harpoons—was speedily re-established.”<sup>56</sup>

Governor Douglas had built a home on the south side of James Bay; and Chief Factor John Work had erected another near Rock Bay. These formed the nuclei of small groups of buildings, which slowly arose around and between them and the fort. The Government buildings clustered together across James Bay gave an air of dignity and importance to that vicinity. A considerable number of negroes, who had emigrated from California, formed, with the addition of the company's officers, servants, retired servants, and a very few unattached colonists, the whole population of the town. The event of the year was the arrival of the *Princess Royal* from England, with the latest fashions, news, and the annual supplies.

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<sup>55</sup> Voyage of the *Herald*, p. 103.

<sup>56</sup> *Id.*, p. 105.

The visit of an occasional man-of-war or a belated whaler was hailed with delight.

Even then the inconvenience arising from the existence of the Songhees Indian reserve in such close proximity to Victoria gave rise to serious discussion, both in and out of the Colonial Legislature, and many plans were suggested for removing its inhabitants to some more suitable spot. The northern Indians also were in the habit of visiting Victoria and remaining for months at a time on this reserve, bartering their furs, obtaining liquor, and seeing the sights of the capital. The ill-effects of these conditions and their latent danger could not be concealed.

Lieutenant Mayne gives the following description of life in Victoria in 1857: "As it was, the place was very pleasant, and society—as it is generally in a young colony—frank and agreeable. No ceremony was known in those pleasant times. All the half-dozen houses that made up the town were open to us. In fine weather, riding-parties of the gentlemen and ladies of the place were formed, and we returned generally to a high tea, or tea-dinner, at Mr. Douglas's or Mr. Work's, winding up the pleasant evening with song and dance. We thought nothing then of starting off to Victoria in sea-boots, carrying others in our pockets, just to enjoy a pleasant evening by a good log-fire. And we cared as little for the weary tramp homeward to Esquimalt in the dark, although it happened sometimes that men lost their way, and had to sleep in the bush all night."<sup>57</sup>

But when, in April, 1858, the *Commodore* landed the vanguard of the Fraser River rush at Victoria a wondrous change occurred. The little town could not accommodate the vast horde that now poured into it, pell-mell. Hundreds of tents lined the harbour side, covered the vacant lots, and glistened between the trunks and foliage of the scattered oaks. With a start Victoria awoke from her lethargy. Soon wooden buildings for stores, hotels, and all sorts of habitations arose as if by magic. The sound of the hammer and the saw was heard at all hours and in every direction. The value of land increased enormously; lots in Victoria and the vicinity that had a few months before gone begging at the upset price of £1 per acre, sold readily for £100 an acre, and soon for far more. On the shore of

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<sup>57</sup> British Columbia and Vancouver Island, p. 31.



the harbour wharves were erected; and sailing ships and steam vessels, of every flag, and age, and style, crowded against their sides, laden with every description of articles which a migratory population could possibly, or even could not possibly, want.

Victoria threw off her quiet, easy-going air of the fur-trading days. She sprang at one bound into a full-grown, bustling commercial town with a full realization of her opportunities and her destiny. As was to be expected, speculation became rampant. With the glowing accounts from Fraser River during May and June and the constantly increasing immigration, lots rose to fabulous prices—fabulous, at any rate, to the original inhabitants. Land bought from the company at from £10 to £15 was resold within a month at sums varying from £300 to £600. One case is recorded of a half-lot, bought for £5, being sold within a few weeks for £600. Parcels of ground centrally situated measuring from twenty to thirty feet in breadth, by sixty feet in length, rented at from £50 to £100 per month. Sawm timber for building purposes brought as high as £20 per thousand feet.<sup>58</sup>

But as land rose quickly in value, so also it fell. The continued submergence of the bars owing to the freshet of the Fraser, the refusal of that obstinate stream to subside at the behest of the impatient gold-seekers, and the cry of "humbug," dispirited the new-comers. The mines were condemned; a process of depopulation commenced; property fell, and continued to fall or at any rate to remain stagnant, until the discovery of Keithley and Antler creeks in 1860 and 1861.<sup>59</sup>

Confidence was quickly restored, and the spirit of improvement returned. Sidewalks were built, and streets, in which the pedestrian used to sink knee-deep in mire, were macadamized. Between 1861 and 1862 about fifty-six brick buildings were erected, including substantial warehouses well stocked with goods for the trade of Cariboo. Blocks of business structures along Wharf, Store, and Government streets gave an air of solidity to the place. Several spacious hotels, elegantly furnished and supplied with every comfort and luxury compatible with the time, were built. A hospital, a theatre, and a reading-room soon appeared.<sup>60</sup> The Victoria Gas Company was

<sup>58</sup> Macfie, *Vancouver Island and British Columbia*, pp. 65, 66.

<sup>59</sup> Mayne, *British Columbia and Vancouver Island*, p. 55; Macfie, *Vancouver Island and British Columbia*, pp. 68-74.

<sup>60</sup> Macfie, *Vancouver Island and British Columbia*, p. 78.





D.C. Bureau of Mines

PINTLEDANNE PASS, LOOKING EAST  
(Between Komane River and Ootsa Lake)

formed in November, 1860, and the water-works company in 1864. The former had the exclusive right of supplying gas in the town for five years at a price not to exceed *thirty shillings* per thousand cubic feet. The latter introduced excellent spring water in service pipes. Prior thereto the supply of good water had been quite precarious; it had been necessary to bring it in carts from a long distance, and at a charge of sixpence for every three bucketfuls.<sup>61</sup> In 1862 Victoria contained about fifteen hundred buildings. The city was incorporated by an act of the Legislative Assembly in August, 1862. The civic authorities consisted of a mayor and six councillors. The first mayor was Thomas Harris. The first councillors, John Copland, James M. Reid, Richard Lewis, W. M. Searby, Michael Stronach, and Nathaniel M. Hicks. Owing to delays in the completion of the assessment roll, it became impossible to prepare a proper voters' list for the election of the second council in accordance with the incorporation act, and in October, 1863, an act was passed providing temporary qualifications and fixing the election for November 6, 1863. Even then the troubles of the council were not over; doubts arose as to the validity of their acts, and an act of indemnity was passed in December, 1863.<sup>62</sup> The prices of land rose once more. Each new find in Cariboo had its reflex action on Victoria real estate, which in consequence continued to soar. The value of town lots increased in many parts of the capital over seventy-five per cent during the last nine months of 1862. Frontage on the best business streets then commanded a rental of from two to six dollars per front foot per month. The population was estimated at about six thousand people.<sup>63</sup>

With the gold-seekers came the bankers. Wells, Fargo & Co. was the first institution in either colony that in addition to an express business carried on that of private bankers and purchasers of gold dust. Soon came Alexander D. Macdonald, who early in 1859 established a private bank under the name of Macdonald & Co. Later in the same year a branch of the Bank of British North America was opened in Victoria. The Bank of British Columbia was

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<sup>61</sup> Macfie, *Vancouver Island and British Columbia*, pp. 85, 86.

<sup>62</sup> Macfie, *Vancouver Island and British Columbia*, p. 86; *Statutes of Vancouver Island*, 1863-5, pp. 1-6; *B. C. Directory*, 1863, pp. 5, 86, 94; *Statutes of Vancouver Island*, No. 54.

<sup>63</sup> *Id.*, p. 50.



incorporated in 1862, and immediately commenced business in Vancouver Island and British Columbia.

Macdonald & Co. issued the first paper money that circulated in either colony. For years they did a large business, especially in the purchase of gold dust, which they obtained in exchange for their notes. Their shipments were as follows: 1859, \$259,815; 1860, \$349,292; 1861, \$602,734; 1862, \$331,194.<sup>64</sup>

Their notes were unsecured; there was not then in existence in either colony any act placing restrictions upon the issuance of paper money, or providing any safeguards for the public.

The competition which this bank had to meet, both in the purchase of gold—where Wells, Fargo & Co. and the Bank of British Columbia were its chief competitors—and in the mercantile world—where the two chartered banks were its chief opponents—made its continued existence very problematical. Month after month in 1864, Robert T. Smith, its travelling agent, arrived in Victoria with merely \$10,000, \$20,000, or \$30,000.<sup>65</sup>

In July, 1864, the Legislature of Vancouver Island passed two ordinances relating to Banks and Banking, one requiring public weekly reports of the assets and liabilities of each institution, and the other forbidding the issuance of paper money, after March 1, 1865, by any person or corporation not having a charter authorizing the same.<sup>66</sup> Macdonald's Bank could not, unless re-organized, live after the latter date. But on the morning of September 23, 1864, it was reported that the bank had been entered during the previous night, by parties unknown, and treasure to the amount of \$30,000 stolen from the safe.<sup>67</sup> No clue whatever could be discovered as to the identity of the robbers. Macdonald, who was at the time in Cariboo, where his notes principally circulated, tried manfully to stay the run upon the bank and redeemed his paper as fast as it was presented. Thus he succeeded in re-establishing public confidence in his institution.<sup>68</sup> But his resources were insufficient to stand the shock, and in November the bank closed its doors. The miners of Cariboo were

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<sup>64</sup> Macfie, *Vancouver Island and British Columbia*, pp. 128, 129; Macdonald, *British Columbia*, pp. 358-360; Rattray, *Vancouver Island and British Columbia*, p. 94.

<sup>65</sup> *British Columbian*, July 23, 1864, Oct. 29, 1864.

<sup>66</sup> Revised Laws of British Columbia (1871), p. 75, et seq.

<sup>67</sup> *British Columbian*, Sept. 28, 1864.

<sup>68</sup> *Id.*, Oct. 22, 1864.





ROYAL NAVY DOCKYARD, ESQUIMALT



THE ROYAL NAVY CEMETERY



ST. PAUL'S CHURCH, ESQUIMALT





the principal sufferers: it is said that their losses amounted to \$100,000. Macdonald's fine home on Michigan street in Victoria was sacrificed to meet his creditors; he lost all and left the country a ruined man.

By a proclamation dated January 18, 1860, Governor Douglas, after reciting that he had been instructed by the Secretary of State for the Colonies in pursuance of a recommendation of Her Majesty's Privy Council so to do, declared: "That the Port of Victoria, including Esquimalt Harbour, is, and shall be until otherwise determined by proper authority, a Free Port of Entry and Clearance for Ships and Goods, save and except the fees now levied thereon."<sup>69</sup> Until the union of the two colonies on November 19, 1866, Victoria was a free port in the strictest sense of the term. With the exception of Hong Kong and Labuan it was the only place in the vast category of British depots for ocean commerce in which no customs duties were leviable.<sup>70</sup>

But long before the union was consummated there existed two divergent views upon the free port question, even on the island itself, where the Protection vs. Free Trade debate frequently waxed keen and warm. It was argued that great as might be the inducements to agriculturists of a certain class to come and take possession of the fruitful valleys of Vancouver Island, yet it must be remembered that these at the best were of very limited extent and that agricultural pursuits must perforce take a secondary position to those of trade and commerce. On the other hand those who advocated the abolition of the free port system urged that no country could continue to prosper or even become wealthy without agricultural resources, and that in their case the very paucity of the agricultural possibilities more strongly emphasized the necessity for protection. And, as invariably happens in such a discussion, neither convinced their opponent.<sup>71</sup>

The anomalous situation of the colony of Vancouver Island clearly appears in the fact that though fully equipped with two legislative bodies, the Governor, of his own mere authority, issues such an important proclamation as that above mentioned, which dictates a line of policy and touches revenue. So, too, it will be found that

<sup>69</sup> Appendix, B. C. Statutes, 1871, p. 1.

<sup>70</sup> Macfie, *Vancouver Island and British Columbia*, p. 91.

<sup>71</sup> Forbes, *Vancouver Island*, p. 40.

the land laws of the colony take the form of proclamations by the Governor alone and not that of acts of the Legislature. Thus the laws which fixed the price of land at £1 per acre, and later reduced it to 4s. 2d, are proclamations. The root of these distinctions of authority lies in the grant of the island to the company and the strange arrangement whereby a private corporation was to finance the colony and to administer the lands to recoup itself.

The life of the first Legislative Assembly expired in 1859. It had been composed of but seven members; its successor, which was elected early in 1860, had thirteen members. These Legislatures were elected for three years. The members received no indemnity. The suffrage was limited to persons owning twenty acres or more of freehold. This high qualification led to a peculiar incident in the celebrated Nanaimo election held on June 23, 1859. The candidate was Captain John Swanson, of the Hudson's Bay Company's steamer *Labouchere* and Captain Charles E. Stuart was the only qualified voter! According to the return Captain Swanson was duly elected by a majority of one! The *Colonist* very rightly remarked thereupon: "This caps the climax of all elections that were ever heard of, where the Anglo-Saxon language is spoken."<sup>72</sup>

The Legislative Council of Vancouver Island for 1860, which was a body nominated by the Governor, consisted of: Hon. John Work, Hon. Roderick Finlayson, Hon. David Cameron, judge; Hon. Donald Fraser, clerk; Rev. Edward Cridge.

The House of Assembly as elected consisted in 1860 of the following members: for Victoria City, George H. Cary and Selim Franklin; for Victoria District, H. P. P. Crease, A. Waddington, and Dr. W. F. Tolmie; for Esquimalt Town, G. T. Gordon; for Esquimalt District, Dr. J. S. Helmcken and James Cooper; for Lake District, G. F. Foster; for Sooke, W. J. Macdonald; for Saanich, John Coles; for Salt Spring Island, J. J. Southgate; for Nanaimo, A. R. Green.<sup>73</sup>

Before the expiration of this House there were a number of changes, of which the most important were the resignation of Messrs. Crease and Waddington and the election of Joseph W. Trutch and Dr. James Trimble as their successors; the resignation of Messrs..

<sup>72</sup> July 1-6, 1859; Walbran, *Place Names*, p. 48.

<sup>73</sup> Fawcett, *Reminiscences of Old Victoria*, pp. 43, 44.

Cooper and Green who were succeeded by R. Burnaby and D. B. Ring respectively; and the resignation of G. T. Gordon and the election in his stead of Thomas Harris, who was himself succeeded by William Cocker.<sup>74</sup>

The chief sources of revenue were a tax of one per cent assessed upon the market value of real estate, trading licenses, liquor licenses, and harbour dues. The proceeds from the sale of Crown lands, though included in the colonial revenue, were strictly applicable to the support of the civil list, as the colony found to its sorrow when the trouble with Governor Kennedy arose a few years later.

In 1861 the revenue was £25,291, of which almost one-half arose from land sales and land tax; in 1862, £24,017; in 1863, £30,000; in 1864 (estimated) \$188,520. The apparent decrease in 1862 arose because that year's instalments due by the farmers on lands purchased by them were postponed on account of losses sustained during the preceding winter, which had been unusually severe.<sup>75</sup>

The total estimated income of the colony of Vancouver Island for 1864 was \$385,869, but this included arrears of revenue, sums due from British Columbia, advances to agents and heads of departments, the remainder of a loan, moneys due by Victoria city, and by the Home Authorities, and other sources. These items were included to make the estimated revenue exceed the estimated expenditure. When they are excluded (as not being properly revenue) the estimated expenditure is found to exceed the income by about \$107,000.<sup>76</sup>

The sessions of the Legislature were very lengthy, for example, the first session extended from March, 1860, to February, 1861; the second, June, 1861, to January, 1862; the third, March, 1862, to December, 1862; the fourth and last, January, 1863, to February, 1863.<sup>77</sup> But an examination of the laws passed during all these sessions shows very few really important statutes. In that class were Acts: to enable evidence to be given on oath before committees of the House; for preventing the disposal of intoxicating liquors to Indians; for providing a system of registration of titles to land; for licensing the sale of intoxicating liquors; for enabling aliens to own

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<sup>74</sup> Year Book, 1897, pp. 112, 113.

<sup>75</sup> Macfie, *Vancouver Island and British Columbia*, p. 320.

<sup>76</sup> *Id.*, p. 319.

<sup>77</sup> B. C. Directory, 1882-3, p. 378.



real estate; for the naturalization of aliens; for the registration of bills of sale; for regulating pawnbrokers; for facilitating the recovery of moneys due on bills of exchange and promissory notes; and for increasing the representation of Victoria city from two to three members.<sup>78</sup> In reference to the last named act it may be pointed out that practically all the members, though sitting for other constituencies, had their homes in Victoria.

The power contained in the grant of 1849 to the Imperial authorities to re-take the colony was exercised in 1859. Pending the formal re-conveyance an arrangement was made between the Crown and the Hudson's Bay Company by which the former became entitled to deal with the land in the colony. The grant had provided that on this resumption the company should be re-imbursed "the sum or sums of money theretofore laid out and expended by them in and upon the said Island and premises and of the value of their establishments, property, and effects then being thereon."<sup>79</sup> The settlement of this amount dragged on for years. The company at first claimed the enormous sum of £225,000 on the supposition that Crown would take over its establishments as well as re-pay its expenditures in connection with the fictitious attempt at colonization. But the Colonial Office refused to consider anything except the sums claimed to have been laid out under the latter head.<sup>80</sup> After prolonged investigations and negotiations the amount was settled at £57,500, which sum was paid in two instalments of £25,000 and £32,500 respectively, on June 29, 1860, and October 6, 1862. Finally, on April 3, 1867, the company re-conveyed the island, with the exception of the lands sold by it, the Church reserve of about twenty-two acres, the Upland Farm of one thousand, one hundred and forty-four acres, the North Dairy Farm of four hundred and sixty acres, the Beckley Farm of fifty acres, the fort property at Victoria, and certain lots in that town.<sup>81</sup> It must in justice be admitted that if the company did not make a success of the colony, it certainly did of the negotiations.

The Legislative Council, which was re-nominated in 1863, was composed of the following persons: Hon. Roderick Finlayson, Hon. Donald Fraser, Hon. David Cameron, Hon. Alfred J. Langley, Hon. Edward G. Alston, and Hon. Alexander Watson.

<sup>78</sup> B. C. Directory, 1863, p. 90.

<sup>79</sup> Vancouver Island Papers, March 7, 1849.

<sup>80</sup> *The Times*, June 13, 1862.

<sup>81</sup> Appendix, B. C. Statutes, 1871, No. 56.

The House of Assembly as elected in 1863 contained thirteen members, for though Victoria had now three members, Esquimalt district had but one. The constituencies and their representatives were: Victoria City, Dr. J. S. Helmcken, G. H. Cary, and Selim Franklin; Victoria District, Dr. William F. Tolmie, Joseph W. Trutch, and Dr. James Trimble; Esquimalt Town, William Cocker; Esquimalt District, Robert Burnaby; Lake District, George F. Foster; Sooke District, William J. Macdonald; Saanich District, John Coles; Salt Spring Island District, J. J. Southgate; Nanaimo District, D. B. Ring.

The Speaker of this House, as of its two predecessors, was Dr. J. S. Helmcken; the Clerk was E. J. Nesbitt.

The number of voters in each district was: Victoria Town, 331; Victoria District, 97; Esquimalt Town, 50; Esquimalt District, 61; Lake District, 57; Sooke District, 15; Saanich District, 29; Salt Spring Island District, 29; Nanaimo, 32.

The officials of Vancouver Island in 1863 were: William A. G. Young, Colonial Secretary; Joseph Porter, Chief Clerk; George Hunter Cary, Attorney-General; A. Hensley, Clerk; Alexander Watson, Treasurer; J. Despard Pemberton, Surveyor-General; Robert Ker, Auditor; Thomas R. Holmes, Clerk; Edward Graham Alston, Registrar-General of Deeds; Charles G. Wylly, Assessor; Henry Wootton, Postmaster and Harbour Master; J. M. Sparrow, Clerk.

The officials of the colony of British Columbia at that time were: Colonel R. C. Moody, officer in command of the Royal Engineers and Chief Commissioner of Lands and Works; William A. G. Young, Colonial Secretary; Charles Good, Chief Clerk; John Connell, Clerk; J. Judson Young, Clerk; William D. Gossett, Treasurer (absent on leave); Chartres Brew, acting Treasurer; John Cooper, Chief Clerk and Cashier; John Graham, Clerk; Alexander Calder, Clerk; John Wolsey, Clerk; F. G. Claudet, Chief Assayer, Assay Department; Charles A. Bacon, Chief Melter; F. H. Bousfield, Assistant Assayer; W. Hitchcock, Assistant Melter; Henry Pering Pellew Crease, Attorney-General; Wymond O. Hamley, Collector of Customs; W. H. McCrea, Chief Clerk; Charles L. Wylde, Revenue Officer; John C. Haynes, Revenue Officer at Rock Creek; Robert Ker, Chief Clerk in Auditor's Office; T. R. Holmes, Clerk; James Cooper,

Harbour Master; Arthur T. Bushby, Registrar General of Deeds; William R. Spalding, Postmaster.

The judicial and magisterial officers of the colony of Vancouver Island in 1863, were: David Cameron, Chief Justice; Thomas G. Williams, Registrar of the Supreme Court; Richard Woods, Clerk of the Writs; William B. Naylor, Sheriff; Augustus F. Pemberton, Stipendiary Magistrate at Victoria; Horace Smith, Superintendent of Police; William H. Franklin, Magistrate at Nanaimo; Edward Stamp, Justice of the Peace at Barkley Sound; Commander J. W. Pike, R. N. and Lieutenant E. N. Verney, holding Commissions as Justices of the Peace on the Coast Service.

Those occupying similar offices on the mainland at the same time were Matthew Baillie Begbie, Judge; Greville C. Mathew, Registrar of the Supreme Court; Chartres Brew, Chief Inspector of Police; Peter O'Reilly, High Sheriff and Magistrate at Williams Lake; J. B. Gaggin, Police Magistrate at Douglas; E. Howard Sanders, Police Magistrate at Yale; H. M. Ball, Magistrate at Lytton; William G. Cox, Magistrate at Kamloops; Andrew C. Elliott, Magistrate at Lillooet; Thomas Elwyn, Magistrate at Cariboo; and Philip Henry Nind, then absent on leave. It was the policy of the Government to change the residence of these magistrates from time to time. They will therefore be found in many different places.<sup>82</sup>

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<sup>82</sup> B. C. Directory, 1863, pp. 85, 86, 167, 168.

## CHAPTER X

### THE LEGISLATIVE COUNCIL AND SEPARATE GOVERNORS

It has been already mentioned that Sir E. B. Lytton in laying the foundations of the colony, while empowering the Governor to legislate of his own authority, nevertheless regarded this as a mere temporary expedient. "It is the anxious wish of Her Majesty's Government that popular institutions, without which they are convinced, peace and order cannot long prevail, should be established with as little delay as practicable; and until an Assembly can be organized (which may be whenever a permanent population, however small, is established on the soil), I think, as I have already stated in a former Despatch, that your best course will probably be to form some kind of temporary council, calling in this manner to your aid such persons as the miners themselves may place confidence in." <sup>83</sup>

The Governor accordingly appointed, on March 1, 1859, Colonel Moody and Judge Begbie as members of his Executive Council. When notified thereof, Sir E. B. Lytton replied: "Regarding these appointments as a mere voluntary committee of advice, I approve of your proceeding. Whenever you consider that the time has arrived for the formation of a regular Executive Council, and that it is expedient to make the necessary appointments, proper steps shall, on your recommendation, be taken for the purpose." <sup>84</sup> This was the only move made by the Governor to carry out the suggestion of the formation of an advisory council. It met the letter, but not the spirit, of the instructions; for Colonel Moody, besides being the head of the Royal Engineers, was the Chief Commissioner of Lands and Works and held also a dormant commission as Lieutenant-Governor of the colony, while Judge Begbie had been instructed to perform, besides

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<sup>83</sup> Lytton to Douglas, Aug. 14, 1858.

<sup>84</sup> Lytton to Douglas, April 11, 1859.

vol. II—11



his judicial duties, those of Attorney-General. The Despatch clearly meant that the council should consist not of officials who already had a voice in the policy, but of persons who were closely in touch with and understood the wants of a mining population. Such a council would not suit Douglas, who was a great lover of absolute power. His early training and his years of dictatorship in the Hudson's Bay Company had bent his mind towards sole control. He would brook no interference with his actions, and wished no council to advise him. He succeeded, in the face of these instructions, in being the whole government until a few months before the expiration of his term as Governor.

Being also Governor of Vancouver Island, and his home and interests being there, a great part of Douglas's time was naturally and necessarily spent in Victoria. In the minds of the people of the mainland—especially those of the lower Fraser valley, who were the only really stable population—the joint governorship and the legislation by the Governor alone were inseparably linked together as two evils calling for early remedy. These two subjects will, therefore, be treated together.

As early as September, 1859, complaints were made of the non-residence of the Governor, the Judge, the Colonial Secretary, the Attorney-General and the Treasurer. While admitting that the absence of the Governor was permissible, owing to his divided duty, the Duke of Newcastle, then in control of the colonial office, said: "This state of things must be put an end to at once, and the gentlemen in question must be warned that they must repair with the least practicable delay to the scene of their duties, or if they decline to do so, must at once resign their situations."<sup>85</sup> Douglas replied that, while he could dispense with the Treasurer, Capt. Gossett, it was impossible for him to carry on the business of the colony without having the other officials near him.<sup>86</sup> This settled the matter for the time being. About September, 1860, the Treasurer was removed from Victoria to New Westminster and in 1861, when Mr. H. P. P. Crease succeeded Mr. G. H. Cary as Attorney-General, he also took up his residence at the capital. The Governor and the Colonial Secretary still continued to live on Vancouver Island.

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<sup>85</sup> B. C. Papers, pt. 3, p. 101.

<sup>86</sup> B. C. Papers, pt. 3, p. 95.





MORICETOWN AND HUDSON BAY MOUNTAIN, BULKLEY RIVER



BRIDGE ACROSS BULKLEY RIVER

In May, 1860, a petition was forwarded to the Duke of Newcastle asking for a resident Governor and officials, and for representative institutions. Nothing was done towards granting either request. In the following February a convention of representatives from New Westminster, Hope, and Douglas was held to consider the situation. A memorial was prepared and submitted to the Governor, asking for "representative institutions and a Governor permanently resident in the colony." It further pointed out that in the opinion of the convention the time had arrived "when the colony should be entitled to be placed on the same footing as other British colonies and be entrusted with the means of its own self-government." The Governor replied that it was not in his power to grant representative institutions, but that as soon as the British element in the country was powerful enough he would use his influence to have such institutions established.

At the same time a second petition was prepared and forwarded to the Home Authorities, asking: A resident Governor whose interests, instead of being connected with any rival, will be thoroughly identified with the interests of this colony; a representative government similar to those existing in Australia and the eastern British North American colonies.<sup>87</sup> In justification of the request it was stated that the Governor, the Colonial Secretary, and the Attorney-General, being permanent residents of the neighboring colony, persons having business with the Government were obliged to go there and, on their return, were on every occasion subject to a tax of \$1 head money; that the Governor was stimulating the growth of the Island at the expense of British Columbia, notably in reference to ship-building, where he had placed a duty of ten per cent on the material for construction, but admitted the vessels (which were therefore built in the free trade colony of Vancouver Island) free of duty; that the cost of the roads was being paid by the present inhabitants on the toll system instead of being borne, to some extent, by the future through the medium of loans; that contracts were being given without public notice or competition. The fee of 12s. a ton on all goods leaving New Westminster was also the subject of complaint, as were also the road tolls levied on all goods leaving Hope, Yale, or Douglas, even though carried up the river in boats.

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<sup>87</sup> *British Columbian*, Feb. 28, 1861.



This memorial had no more effect than its predecessor. The Governor still remained in his dual office, still continued to reside in Victoria, and to be the whole law-making power on the mainland.

The convention of February, 1861, re-assembled at Hope in the following September. Delegates were present from Hope, Yale, Douglas, Lytton, and New Westminster, including such prominent men as John Robson, J. A. R. Homer, Donald Chisholm, J. Spencer Thompson, William Clarkson, Hugh McRoberts, and R. Deighton. Yet another and even more lengthy memorial was now prepared, which, besides repeating the grievances already alleged, added the lack of a postal system, the failure to provide any educational facilities, the uncalled for formation of the Gold Escort of 1861, and that, with a revenue of £60,000 or £70,000 the eight thousand inhabitants had no voice in its collection or expenditure. The prayer was for "a resident Governor and a Legislature whose interests would be identified with the advancement of the colony, instead of being antagonistic, as is now the case."<sup>88</sup> No reply was received; not even the stereotyped formal official intimation of its receipt.

The question of separate governors found an echo in the course of a debate in the House of Commons in connection with the repurchase of Vancouver Island. On that occasion Mr. Childers inquired whether any decision had been reached with respect to the separation of the two governments of Vancouver Island and British Columbia. Mr. Fortesque replied that he could not give a positive answer: the question was under the consideration of the Colonial Department and he hoped it would soon be decided.

Although three petitions had been sent in, without any apparent effect, the colonists were not discouraged. In July, 1862, the fourth memorial was prepared. It pointed out that taxation without representation existed in the colony; complained that the large amounts thus raised—£10 10s. for every resident, except aborigines—were expended injudiciously; and dwelt upon the continued absence of the Governor from the larger, more important colony, from which alone he drew his salary. The prayer was for: "A Governor who shall reside permanently in this colony, free from any private interests in the colony of Vancouver Island or connected directly or indirectly with the Hudson's Bay Company; a system of responsible

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<sup>88</sup> *British Columbian*, Sept. 19, 1861.

government similar to that possessed by the eastern British North American and Australian colonies.”<sup>89</sup> This memorial, though originating in the capital, received approval in the colony generally.<sup>90</sup>

Just while this subject was warm, the Hon. Malcolm Cameron arrived in the colony on a pleasure visit. His long experience in Parliament, his knowledge of the local conditions, and his intimate acquaintance with Downing Street, pointed him out as a suitable person to place the grievances or the opinions of the colonists before the Home Authorities.

Strange as it may appear in view of the mainland complaint, the island people were also complaining. While not entirely unanimous on the subject, they had, as early as October, 1858, sent in a petition signed by one hundred and seventeen residents of Victoria, asking for the removal of the Governor and the appointment of an English gentleman free and independent of any interest save the public welfare.<sup>91</sup> And now that the mainland was sending a delegate to ask for separation and responsible government, the island determined to send a delegate to support the movement. One of the grievances there was that the Legislative Council, which had a voice in all their affairs, was appointed, and not in any way responsible to the people. Mr. Leonard McClure, the editor of the *Press*, was selected as the island delegate.

The Hon. Mr. Cameron was the bearer of another—the fifth—petition which, after reviewing the earlier efforts above set out and their failure to evoke even a formal acknowledgment, proceeded “to demand for us representative institutions and a resident Governor of experience and ability who shall be capable of carrying out the principles of free government and instituting liberal institutions—opening up our lands to actual settlers, and preventing jobbery and corruption, and who shall so administer the Government that settlers from any other land who may come amongst us, may see nothing in the policy or government of our neighbours south of the 49th parallel to excite their envy or feel anything that may create disgust or dissatisfaction at their having settled in a British colony.”<sup>92</sup>

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<sup>89</sup> *British Columbian*, July 19, 1862.

<sup>90</sup> *Id.*, July 26, 1862.

<sup>91</sup> Bancroft, B. C., p. 586.

<sup>92</sup> *British Columbian*, Nov. 12, 1862.

The time was most opportune. The organic act—the act to provide for the government of British Columbia—was about to expire, and the future policy must soon be determined. When the Hon. Mr. Cameron arrived in England, he found that the suggestion of two separate governments for two colonies, whose combined population did not exceed that of a third-rate city, was considered an absurdity. He nevertheless succeeded in bringing about an entire change of view. In May, 1863, the Duke of Newcastle informed the Governor that the new act would annex the Stickeen territory to British Columbia, and that a Legislative Council would be constituted. "The power of nominating the members of this Council will, in the first instance, be vested in the Governor, but I wish it to be so exercised as to constitute a partially representative body, capable of making the wishes of the community felt and calculated to pave the way for a more formal, if not a larger, introduction of the representative element."<sup>93</sup> Shortly afterwards the Duke followed up this matter, pointing out that while he would have desired that British Columbia and Vancouver Island should have formed one government, and while he still hoped that moderate and far-seeing men would soon become convinced of the necessity of such union, yet being "aware that the prevailing feeling is strongly adverse to such a measure, and in deference to that feeling I am prepared to take steps for placing them under different governors so soon as proper financial arrangements are made for the permanent support of the Government."<sup>94</sup>

The financial arrangements he proposed were that an act should be passed by the Legislature of Vancouver Island securing salaries to the officers as follows: Governor, £3,000; Chief Justice, £800, to be increased to £1,200 when a lawyer is appointed; Colonial Secretary, £600; Attorney-General, £300, with practice; Treasurer, £600; Surveyor-General, £500.

With regard to British Columbia, he instructed the Governor (who was the whole Legislature) to proclaim a permanent law, fixing salaries at the following rates: Governor, £3,000, with suitable residence; Chief Justice, £1,200; Colonial Secretary, £800; Attorney-General, £500, with practice; Treasurer, £750; Commissioner

<sup>93</sup> Papers relative to Union, May 31, 1866, p. 1.

<sup>94</sup> *Id.*, p. 2.







HIS EXCELLENCY FREDERICK SEYMOUR  
Governor of British Columbia, 1864-1869

of Lands, £800; Collector of Customs, £650; Chief Inspector of Police, £500; Registrar of Deeds, £500.<sup>95</sup>

The Vancouver Island Assembly declined to pass the salaries as fixed by the Duke of Newcastle; but on the mainland Douglas, in September, 1863, promulgated the required ordinance as regarded that colony.<sup>96</sup> In the meantime, however, the separate governors had been selected: Arthur E. Kennedy for Vancouver Island; Frederick Seymour for British Columbia.

Governor Kennedy had entered the army as an ensign in the Sixty-eighth Regiment in May, 1827; was promoted to Lieutenant in February, 1832, and Captain in June, 1840. He had retired on half pay in 1840, and sold out in 1848. During the Irish famine, 1846-47, he was engaged under the Commissioners of Public Works in Ireland. In September, 1852, he was appointed Governor of Sierra Leone. He became Consul-General in the Sherbro country on the west coast of Africa in August, 1854, and Commander-in-Chief of Western Australia from January, 1855, to December, 1861. Governor Seymour had been appointed Assistant Colonial Secretary of Tasmania in 1843; Special Magistrate of Antigua, 1848; President of Nevis, 1853; Superintendent of Honduras and Lieutenant-Governor of Bay Islands, 1857; and later Lieutenant-Governor of Honduras.<sup>97</sup>

In his Despatch, the Duke of Newcastle outlined the future Government of British Columbia. He premised by saying: "I should have wished to establish there the same representative institutions which already exist on Vancouver Island; and it is not without reluctance that I have come to the conclusion that it is at present impossible." The uncertain and shifting population of British Columbia made it, in his opinion, necessary that the Government should for the present, retain a preponderating influence in the legislative body. He, therefore, fixed its constitution as one third Government officials—the Colonial Secretary, Attorney-General, Treasurer, Chief Commissioner of Lands, and the Collector of Customs—one third of magistrates from different parts of the colony, and one third of persons elected by the residents of different electoral districts.

<sup>95</sup> Papers relative to Union, May 31, 1866, p. 2.

<sup>96</sup> Proclamations, 1863, No. 12.

<sup>97</sup> *British Columbian*, Oct. 10, 1863.

As regarded the latter, he desired to secure that at least one third of the councillors should be persons recognized by the residents of the colony as representing their feelings and interests. "By what exact process this quasi-representation shall be accomplished, whether by ascertaining informally the sense of the residents of each locality or by bringing the question before different public meetings, or (as is done in Ceylon) by accepting the nominee of any corporate body or society, I leave to you to determine. I also leave it to you to determine the period for which (subject to Her Majesty's pleasure, which involves a practical power of dissolution) the councillors shall be appointed. What I desire is this: that a system of virtual though imperfect representation shall be at once introduced which shall enable Her Majesty's Government to ascertain with some certainty the character, wants, and disposition of the community, with a view to the more formal and complete establishment of a representative system as circumstances shall permit of it."<sup>98</sup>

Enclosed with this Despatch was an order-in-council dated June 11, 1863, authorizing the formation of a Legislative Council, not to exceed fifteen in membership, divided into the classes specified.

While this partial representation was far from satisfying the stable and thinking portion of the colony, they accepted it with what grace they might as an earnest of better things to be. The decision of the Duke to grant separate Governors sweetened greatly the otherwise distasteful draught of imperfect representative institutions.

Following his instructions, Governor Douglas, for the purpose of providing the unofficial—the really representative—members, divided the colony into five districts: New Westminster; Hope, Yale, and Lytton; Douglas and Lillooet; Cariboo East; and Cariboo West, each of which was desired "to select a person of good character and approved loyalty to represent their interests in the Legislative Council."<sup>99</sup> No boundaries were given to these various districts, and neither in the instructions from the Secretary of State for the Colonies nor in the circular issued by the Governor were any qualifications set for representatives or voters. In New Westminster the municipal council, which was the only public body in the colony, by resolution set forth to the Governor that so far as that district was

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<sup>98</sup> Papers relative to Union, May 31, 1866, p. 3.

<sup>99</sup> Circular, Colonial Secretary's office, Sept. 16, 1863.

concerned the franchise should be restricted to British subjects resident for three months in the colony, being owners of real estate of the value of £20, or lessees paying £12 a year, or settlers holding pre-emptions for three months, and that the qualification of a member should be the possession of real estate of the value of £500. The Governor replied that he had no power to establish a franchise, and that the whole matter was in the hands of the people; whereupon the people of New Westminster, in public meeting, by resolution, fixed the qualifications of voters as above given.<sup>1</sup> In Douglas-Lillooet, at public meetings at Douglas, Pemberton, and Lillooet, the people also fixed the franchise in accordance with the standard set at the capital.<sup>2</sup> But though their opinion ruled at Douglas and Pemberton, yet at Lillooet the resident magistrate, Mr. A. C. Elliott, who had charge of the election, opened the poll to all comers without exacting any qualification. In the remaining districts no qualifications were required.

The voting, when there was a contest, was the old-fashioned open voting. In the districts where no qualifications were required, aliens of all nationalities voted, including the much hated and abused Chinese.

The elections resulted as follows: New Westminster, J. A. R. Homer, by a majority of 11; Douglas-Lillooet, Henry Holbrook, by a majority of 59; Hope, Yale, and Lytton, R. T. Smith; Cariboo East, James Orr; Cariboo West, Dr. A. W. S. Black, by a majority of 69.<sup>3</sup>

By a proclamation dated December 28, 1863, the Governor declared the constitution of the first Legislative Council of British Columbia to be, the Colonial Secretary, the Attorney-General, the Chief Commissioner of Lands and Works, and the Collector of Customs; Chartres Brew, Magistrate of New Westminster; Peter O'Reilly, Magistrate of Cariboo; Edward Howard Sanders, Magistrate of Yale; Henry Maynard Ball, Magistrate of Lytton; and Philip Henry Nind, Magistrate of Douglas; Joshua Attwood Reynolds Homer elected for New Westminster; Robert Thompson Smith elected for Hope, Yale, and Lytton; Henry Holbrook elected for Douglas-

<sup>1</sup> *British Columbian*, Oct. 7, 1863.

<sup>2</sup> *British Columbian*, Oct. 21, 1863.

<sup>3</sup> *British Columbian*, Nov. 14, 1863.



Lillooet, and James Orr elected for Cariboo East.<sup>4</sup> The election for Cariboo West was not held until after the proclamation appeared.

Though called for January 13, 1864, the first session of the first Legislative Council of British Columbia was opened at 2:15 in the afternoon of Thursday, the 21st day of January, 1864, in the building formerly the barracks of the Royal Engineers in Sapperton, New Westminster. The members actually present were: the Attorney-General, Hon. H. P. P. Crease; the Collector of Customs, Hon. Wymond O. Hamley; Magistrates, Hon. Chartres Brew, Hon. Peter O'Reilly, Hon. Edward Howard Sanders, and Hon. Henry Maynard Ball; popular members, Hon. J. A. R. Homer, Hon. Henry Holbrook, Hon. James Orr. Later in the session the Hon. R. T. Smith and the Hon. A. W. S. Black took their seats.

As on the occasion of the first sitting of the Legislative Assembly of Vancouver Island, the Governor delivered a lengthy speech. In this case, however, it was so lengthy that it is impossible to insert it here, and the following condensation is therefore given. He congratulated the Council upon its formation as being the first step towards complete representative government. After alluding to the roads which had been built, and the consequent cheapening of food, reduction of the cost of transport, and development of the gold fields, he dwelt upon the necessity of their improvement as a means of colonization and permanent settlement. While claiming for his land policy that it tended to encourage settlement, he acknowledged that the results obtained had not equalled his anticipations. He referred to his treatment of the Indians and their location upon reserves as having effectually aided in preserving tranquillity. To assist religion and morality he suggested pecuniary grants that such instruction might be brought within the reach of all. Provision should be made for the formation and maintenance of public schools. He promised to lay before the Council the proposals of the Atlantic and Pacific Transit & Telegraph Company to establish telegraph and postal communication between the colony and Lake Superior; these proposals, which he recommended to the Council, called for a guarantee by Canada, Vancouver Island, and British Columbia of five per cent on the capital, but the portion to be borne jointly by the two latter colonies was not to exceed £12,500. He then laid before

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<sup>4</sup> *British Columbian*, Jan. 6, 1864; Nov. 2, 1864.





CANYON OF BULKLEY FROM BRIDGE AT AHWILLGATE

them a brief financial statement for 1863, showing an income of £175,805 and an expenditure of £192,860. The deficit—£17,055—together with £10,700, the amount due the Imperial Government in repayment of expenditures made on account of the barracks and other military buildings of the Royal Engineers, he carried forward against the revenue for 1864. That revenue he estimated at £120,000 and the ordinary, necessary, and probable expenditure at £107,910. In these expenditures no amount was included for the continuance of the Gold Escort, in which about \$80,000 had already been lost, nor to meet the needed expansion of the road system or other necessary objects of public utility, and having pointed out the serious question of raising the funds to meet these requirements, he left the Council to their deliberations.<sup>5</sup> Nothing was said by him upon questions which had greatly agitated the public mind in the colony for years, questions which in some instances had been made the subject of complaint to Downing Street, for instance, the reconstruction of the tariff, the abolition of the tonnage dues, an efficient postal system, a reduction and consolidation of the road tolls, and an export tax on gold. The oaths of office were administered by the Chief Justice, at the conclusion of the Governor's speech.<sup>6</sup>

The Council, having by the casting vote of the presiding member, Hon. H. P. P. Crease, decided that the public should not be admitted to the Council Chamber, entered at once into the consideration of the financial condition of the colony and the estimates of revenue and expenditure for the year. The latter they increased to £135,639, thus making an admitted deficit on the face of the proceedings of over £15,000. To meet this, and to provide for future capital expenditures, an ordinance was passed authorizing a loan of £100,000.<sup>7</sup> The Council confirmed the Governor's proclamations issued since the date of the order-in-council of June 11, 1863, and passed acts dealing with changes in the mining laws.

The new Governor, Frederick Seymour, arrived on April 20, 1864; the new Governor of Vancouver Island, Arthur Kennedy, had arrived about a month previous. After Seymour's arrival the Council went to work upon the postal system and the readjustment of the

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<sup>5</sup> *British Columbian*, Jan. 22, 1864.

<sup>6</sup> *Id.*, Jan. 27, 1864.

<sup>7</sup> Ordinances, 1864, No. 3 and No. 7.



tariff in reference to ship-building material, together with a number of other matters on which the people and the late Governor had been at issue.

On landing from *H. M. S. Forward*, Governor Seymour was presented with addresses of welcome on behalf of the City Council and the people of the colony. The capital was in its best attire and every manifestation of joy was shown. British Columbia had now a Governor all her own. The goal, so long striven for, had been reached. The complete separation for which the colony had prayed for years found its embodiment in the new Governor. A spirit of buoyancy and of hope for the future was everywhere manifest. Addresses of welcome poured in from the Legislative Council, the St. Andrew's Society, the Wesleyan ministers, the people of Douglas-Lillooet, the Fire Department, and other public bodies.<sup>8</sup>

The new Governor prorogued the Council on May 4th. In so doing he stated that, owing to his having been but a fortnight in the colony, he had assented to the ordinances passed by them, relating to the registration of land titles, the legal rate of interest, patents, the formation of mining companies, the regulation of the postal service, the relief of certain naval and military settlers, the admission, free of duty, of material for ship-building, and inland navigation. He reserved for further consideration, an ordinance regulating the issue of bank notes and delayed the supplementary estimates until the next session, pointing out that there were no funds at present available for these expenditures.<sup>9</sup> Some twenty resolutions passed by the Council, and involving an expenditure of £80,700, he dealt with *seriatim*, but as many of them were of great importance and required for their proper consideration more local knowledge than he then possessed, he wisely held them over for later action.

#### THE CLOSING DAYS OF GOVERNOR DOUGLAS'S REGIME

James Douglas had been the Governor of Vancouver Island since November, 1851, and of British Columbia since September, 1858. Under the ordinary practice, his term of office for the latter colony would not expire until September, 1864. With the policy of sepa-

<sup>8</sup> *British Columbian*, April 23, 1864.

<sup>9</sup> *British Columbian*, May 7, 1864; Dec. 14, 1864.





CANYON ON SKEENA NEAR OLD KULDO

ration, which the Duke of Newcastle had so reluctantly adopted, and the new constitution for the mainland, it was only natural that new governors should be appointed.

In August, 1863, as a fitting recognition of his twelve years' service, he was created K. C. B. He had been made C. B. in 1859.<sup>10</sup>

During March and April, 1864, Governor Douglas was quite frequently on the mainland. This was especially desirable, as the experiment of a Legislative Council was being tried. He returned to Victoria to attend, on March 10th, a banquet given in his honour. Two hundred and fifty gentlemen attended; some fifty ladies were present as lookers-on. It was his formal leave-taking, his official separation from the city which he had founded twenty years before, and from the colony whose destinies he had guided during such stirring times. He was the recipient of an address signed by all the bankers and professional men and by nearly all the leading merchants of the colony.<sup>11</sup> Addresses were presented him—from both Houses, from St. Andrew's Society and many public and semi-public bodies. Four days later, in anticipation of the arrival of Governor Kennedy, which was daily expected, he removed his official residence to the mainland. "As he proceeded on foot, accompanied by his staff, from the government house to the Hudson's Bay wharf, every flagstaff in the town was decorated with bunting, the citizens raising their hats as he passed, and many of them joining in the procession. The steamer *Enterprise*, gayly decked with colors, awaited his arrival, and as he reached the foot of the gangway, the cheers which had greeted him along his route burst forth with redoubled volume, the multitude thronging round to grasp him by the hand. As the vessel moved off, the band stationed on board the *Otter* struck up the tune of Auld Lang Syne, and a salute of thirteen guns was fired by the Hudson's Bay employees. Then followed the strains of the National anthem; and thus was Sir James Douglas, K. C. B., sent on his way to the mainland \* \* \* ." <sup>12</sup>

Arriving in New Westminster he, with his family, occupied the official residence built for Colonel Moody. With him came the Great Seal of British Columbia and the various officers of the colony

<sup>10</sup> *British Columbian*, Oct. 10, 1863; Proclamation, Feb. 14, 1859.

<sup>11</sup> *Victoria Colonist*, March 11, 1864.

<sup>12</sup> Bancroft's *History of British Columbia*, pp. 587, 588.



who had resided in Victoria from the beginning. Great were the rejoicings on the mainland, not at the advent of the Governor, but at that of the officials and the Seal, which was regarded as an earnest of the separation so constantly longed for and now almost accomplished. An address from the Fire Department of New Westminster was presented to Douglas, early in April, and, on the 8th, a farewell banquet was tendered to him by the officials of British Columbia. One of the incidents of this occasion was the presentation of an address signed by nine hundred residents of that colony.<sup>13</sup> Replying thereto the Governor said: "This is surely the voice and heart of British Columbia. Here are no specious phrases, no hollow or venal compliments. This speaks out broadly, and honestly, and manfully. It assures me that my administration has been useful; that I have done my duty faithfully; that I have used the power of my sovereign for good, and not for evil; that I have wronged no man, oppressed no man, but that I have, with upright rule, meted out equal-handed justice to all."

On April 13th the Governor left New Westminster and returned to Vancouver Island. No demonstration marked the severance of his official connection with the mainland.

It is difficult, indeed, to give a clear appreciation of Sir James Douglas as a Governor. The foregoing pages tell the story of his work and indicate his limitations and the criticisms of the time. The difficulty arises largely from the fact that he was regarded from two diametrically opposed standpoints—*island* and *mainland*—and for a time he represented two interests as equally opposed—the Crown and the Hudson's Bay Company. His long connection with the company ceased when he assumed the Governorship of British Columbia, but the habits of thought, the cast of mind, which were its result, could not be so easily terminated. To say else were to imply his being more than human. Intensely British himself, he was opposed to all foreigners; on one occasion he went so far as to refuse to allow a salute to be fired or a procession to be made on the 4th of July as requested by some Americans then (1858) resident in Victoria.

He was not in any respect a statesman; but he had the practical understanding of the situation, the minute detailed personal knowledge of conditions, the long experience in the handling of men, which

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<sup>13</sup> *British Columbian*, March 19, April 9, 16, 1864.

fitted him as no other man in the country at the time was fitted, to undertake the management of the rough, rude, self-willed, yet withal, honest adventurers who swarmed into New Caledonia in search of the yellow root of evil, and which enabled him to lay down regulations, to develop communications, and to open lines of access with the minimum of delay and dissatisfaction. That stern devotion to duty, that perfection of the organizing faculty, and that absolute mastery of detail, which at all times characterized the mind of Douglas, were a part of what the company had taught him.<sup>14</sup>

He loved absolute power. He must rule; he could not reign. The deadlock which occurred with the first Legislative Council of British Columbia evidences this. On the island, by means of the brake of an appointed Legislative Council, he kept control in spite of the Legislative Assembly. Could it be expected that one who had exercised complete authority over the whole business and domain of the Hudson's Bay Company west of the Rocky Mountains would tolerate interference with his will by some body of men, elected by the people, it is true, but without a fraction of his experience or local knowledge? Lytton wisely gave him full control. It is doubtful if he would have accepted aught else.

The larger matters of policy—the open door—freedom of trade and navigation—non-discrimination against aliens—so opposed to all his training, he could never understand. Yet, while his legislation in some respects bore the impress of this limitation (which the Home Authorities immediately eliminated) it was nevertheless, on the whole, well fitted to the wants of the community and eminently satisfactory to the great body of the people. In everything which related to the mere management of the colonies he could always see the course clearly and would follow it with that firm determination which often enabled him “out of the nettle, danger, to pluck the flower, safety.” Thus he was able, as one has said, without jot or tittle of precedent whereon to base his action, to turn all to the upbuilding of the colonies, establishing the law and sovereignty of Great Britain, firmly maintaining order, organizing the new community on terms that won the support and confidence, where they might have looked only for the enmity, of the wild and uncouth masses which made up the population, giving, in short, to the world at large the spectacle

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<sup>14</sup> Coats & Gosnell, *Life of Douglas*, pp. 344, 345.

of a gold field ruled, as it never was ruled before, and laying the sure foundations of a greater community to be.<sup>15</sup>

Perhaps in effecting this result there was, so far as the Governor was concerned, no factor of greater importance than the feeling of the certainty of his even-handed justice and strict protection of rights which, despite his pomposity and his love of official display, became more and more firmly imbedded in the population as the years went by and the distance from the days of the Hudson's Bay Company's *régime* increased.

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<sup>15</sup> Coats & Gosnell, *Life of Douglas*, p. 346.

## CHAPTER XI

### THE BUTE INLET MASSACRE AND THE CHILCOTIN WAR, 1864-1866

We have already shown that Governor Douglas had built two competing roads to Cariboo—by way of Douglas and by way of Yale. Private enterprise put before the public the claims of two other intended routes: the Bentinck Arm route, following very largely the path of Sir Alexander Mackenzie, and the Bute Inlet route, following the valley of the Homathco River. Both these routes had their adherents and supporters, but the Governor expended no public money on them, further than, in 1863, to cause a reconnaissance of the former to be made by Lieut. H. S. Palmer, R. E.

Bentinck Arm is distant from Victoria about four hundred miles. The Bella Coola River flows into it. The trail up the valley of this river presented no great difficulties, but Lieutenant Palmer pointed out two serious objections to it after it left that valley. These were the slide and the precipice, both of which, however, could be avoided by making lengthy *détours*. Arriving at the summit of the precipice, 3,840 feet above sea-level, the trail led across the great elevated plateau between the Cascades and the Fraser River, a vast expanse of waving forest broken only by lakes and marshes.<sup>16</sup>

The Bute Inlet route, which was for years strongly championed by Alfred Waddington of Victoria, was projected much further south. From the head of Bute Inlet, it followed the valley of the Homathco River through exceedingly rough, mountainous country. About twenty-five miles from the mouth of that river the trail crossed Waddington Mountain at an elevation of two thousand feet, the grades being excessively steep. This great elevation and these heavy grades continued until the plateau was reached. Across this heavily

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<sup>16</sup> Macfie, *Vancouver Island and British Columbia*, p. 237.  
Vol. II—12



wooded space the trail took a general northeasterly direction, connecting with the Bentinck Arm route at Puntze Lake.<sup>17</sup>

The following table, compiled by Mr. Waddington, shows the relative lengths of land and water travel on the different routes:

	But Inlet route, miles	Bentinck Arm route, miles	Yale route miles
Sea, lake and river navigation.....	305	560	182
Land travel .....	158	178	359
	463	738	541
Number of days consumed carrying freight..	22	28	37

Early in 1862 Mr. Alfred Waddington obtained a charter for the construction of the Bute Inlet road, entitling his company to collect certain tolls for ten years on all merchandise carried over it.<sup>18</sup> The surveying and preliminary work having been already finished, construction commenced immediately. By the end of April, 1864, a road, or more properly a pack trail, had been completed for forty or fifty miles up the valley of the Homathco. Sixteen white men in two parties of twelve and four respectively were at work four miles apart. Another man, Timothy Smith, was in charge of the ferry where the trail crossed the Homathco River. Some sixteen Indians were also employed as packers to assist in the work. On April 29, 1864, three Indians came to the ferry, where a considerable quantity of provisions and supplies were stored, in charge of the ferryman. It is said that they demanded food, which request being refused by Smith, they shot him.<sup>19</sup> This story seems probable as, later, about a half ton of provisions was found hidden amongst the rocks in the vicinity. Then, fired with passion and possessed by the demon of blood, they hurried on ten miles further to the main camp of the road-makers. They reached it just before daylight. Their numbers were now increased. There twelve men unarmed, unguarded, thoughtless of danger, lay in the deep sleep of bodily exhaustion. The murderers surrounded the camp, cut the tent poles, and dropped the tents on their victims, firing into them with their muskets and using their knives until all but three were killed.

<sup>17</sup> Lieutenant Palmer's Report, 1863.

<sup>18</sup> *British Columbian*, March 7, 1863; B. C. Directory, 1863, p. 191.

<sup>19</sup> Morice, *History of British Columbia*, p. 307.

"One of the survivors, Petersen, a Dane \* \* \* hearing the shots jumped out of his blankets, and was immediately struck at by an Indian with an axe; he stepped aside just to see it fall heavily on the ground, and a few seconds after this was shot in the arm. Faint, and bleeding copiously, he plunged into the river hard by, and its swift waters carried him down half a mile over the stones and 'snags,' bruising him much. He managed to reach the bank, and was soon after rejoined by Mosley, a man who had escaped almost unhurt, although he had, whilst struggling to release himself from the fallen tent, seen long knives on either side of him pierce the prostrate bodies of his companions. The third man, Buckley, an Irishman, who afterwards joined them, had been stabbed repeatedly by the Chilcotins and fell, faint from the loss of blood, remaining unconscious for hours, and they left him, imagining he was dead. These men, sick and down-hearted, on arrival at the rope-ferry, found that the boat or 'scow' had been cut adrift, and the swift current had carried it away. In their weak condition, they had no means of crossing till Buckley, who had been a sailor, managed to rig up a 'travelling loop,' as he termed it, and succeeded in hauling himself over on the cable stretched across the river, which was two hundred yards wide at that spot. He then sent over the 'travelling block' (formerly attached to ropes fixed to the boat), and Petersen and Mosley were at length brought to safety."<sup>20</sup>

Another of the survivors gave the following account of the massacre: "Proceeding inland from Bute Inlet, it was found necessary to engage a force of Chilcotin Indians to do the packing, etc. After a few days, sixteen Indians were engaged, and they were followed by some squaws. At night all pitched tent and appeared satisfied. The evening previous to the massacre, the Indians put on war paint and had a sort of dance. Some of the whites did not like the appearance of things, yet nothing was said or done to the knowledge of the whites to cause suspicion of intended foul play.

"All retired as usual, the Indians camping, as was their custom, a few hundred yards distant. The whites lay three men in each tent and all was quiet, so far as the white men knew, up till about daylight, when the Indians commenced using their axes and striking right and left into the tents. We were awakened amidst groans and

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<sup>20</sup> Whympers's Travels in Alaska, pp. 32, 33.

shouts, and some of our men trying to get up were either knocked down with axes or shot.

"A man was killed upon each side of me almost instantly. The pole of the tent fell lengthwise upon me and to this I attribute my escape. I kept still, and the Indians, thinking they had finished our tent, left; after all appeared quiet near me and, knowing what would be my fate if discovered when daylight broke, I quietly got up and started for the river near by. An alarm was given and shots fired at me, when I fell over a log at the edge of the river. I moved along the river bank for some distance.

"Apparently it was imagined that when I fell I had gone into the river. From where I was concealed I could see them throw the bodies of our men into the river. Some of the Indians packed up supplies at our camp.

"I soon left, and after going a few miles came across another of our party who had also escaped. Afterwards I met another, making three who had escaped, of the sixteen white men. When we got to Bute Inlet we got Indians to take us in canoes."<sup>21</sup>

Indiscriminate plunder was not indulged in by the murderers. Money in considerable quantities lay scattered around. But all the food was taken. The tools and implements were left as the workmen had placed them, and were found in the same conditions eight years later.<sup>22</sup>

Four miles beyond this place the superintendent, Mr. Brewster, and three men were at work "blazing" the trail. Three of them were attacked and killed before resistance could be offered. The fourth, a half breed, endeavored to escape by running to the river, evidently intending to hide there or swim away, but the murderers' bullets overtook him near the bank, and the rushing torrent bore his body towards the others. The body of the superintendent was cruelly maltreated and abused. It was left where he fell.<sup>23</sup>

The Indians, leaving the greater part of the booty concealed, owing to the difficult nature of the country, crossed the Cascade range. They appear to have received considerable reinforcements, amounting to about thirty in all, before they reached the house of

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<sup>21</sup> *Inland Sentinel*, July 22, 1880.

<sup>22</sup> *Ocean to Ocean*, p. 327.

<sup>23</sup> *British Columbian*, May 28, 1864.







VALLEY OF CHILCOTIN RIVER, NEAR ALEXIS CREEK



VALLEY OF CHILCOTIN RIVER, NEAR ANAHIM RESERVE

a white settler, Manning, at Puntze Lake. He was soon dispatched and the assassins, with continually swelling numbers, advanced to meet a pack train with eight drivers approaching from Bentinck Arm. This train, in charge of Alexander McDonald, was carrying supplies for the Bute Inlet route, taking this means of avoiding the difficulties of that trail near the coast. Neglecting the warnings of McDougall's squaw, who had accidentally heard of the Bute Inlet murders, the party proceeded too far and, on attempting to retreat, were ambushed by the Indians, now fifty or sixty strong.<sup>24</sup> Three of these men were killed, but the other five, two of whom were badly wounded, by an amount of dexterity and good fortune, which seems marvelous, managed to make their escape.<sup>25</sup> Amongst the killed was McDonald himself, who was last seen behind a tree taking aim with his revolver at Tellot, the chief, who had acted a prominent part in the destruction of Waddington's party. McDougall's squaw also fell a victim to the lust of blood. In all, nineteen persons were numbered in the death-roll.<sup>26</sup>

Favoured by impunity the assassins now became promoted to the dignity of insurgents by the adhesion of the whole Chilcotin tribe from the summits of the Cascades to the benches of the Fraser. Fear spread over the whole interior. It was reported that the Indians were combined for the purpose of killing every white man they met. The few settlers in the vicinity fled for their lives to the coast region.

Before proceeding to relate the steps taken by the Colonial Authorities to quell this outbreak, let us pause to ascertain its origin. The Rev. Dr. Grant, who visited the scene of the destruction of the main Bute Inlet party in 1872, says that amongst the articles scattered around the melancholy spot were "at least one pair of woman's boots—too surely indicating the source of the trouble."<sup>27</sup> This is mere inference from insufficient data. Indian women wore moccasins, not boots. Bancroft, always seeking a prurient motive in Indian troubles, says: "Interference with their women on the part of the white men had so exasperated the Chilcotins that they resolved to rid themselves of the evil by the most direct means."<sup>28</sup>

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<sup>24</sup> Macfie, *Vancouver Island and British Columbia*, p. 464.

<sup>25</sup> Governor Seymour's Speech, Dec. 14, 1864.

<sup>26</sup> *British Columbian*, May 28, 1864.

<sup>27</sup> *Ocean to Ocean*, p. 328.

<sup>28</sup> Bancroft's *History of British Columbia*, p. 428.

No authority is suggested for this statement and none can be found. On the contrary, Governor Seymour, who, as will be shown, personally took a prominent part in quelling the disturbance, says: "Let me do justice to the dead. On the scaffold at Quesnelle mouth it was stated that they gave no provocation."<sup>1</sup> Rev. Mr. Macfie, who lost an esteemed friend, one of McDonald's party, says: "Many conjectures have been offered as to the cause of these barbarities, but no satisfactory conclusion has yet been arrived at on the subject."<sup>2</sup> Frederick Whymper, who had visited the camp just two days before its destruction, says the motive was "a strong desire for plunder, accompanied by a knowledge of the improbability in that country of ever being taken and brought to justice." He goes on to say: "The Indian is to this day but little understood. By some he is looked on as an animal, by others as almost a hero of romance. The ideal redskin, the painted, much-admired native with lofty sentiments, is certainly, as far as my experience goes, a very rare being at the present day, if, indeed, his existence, at any time, is not to be considered mythical. A creature, half child, half animal, a mixture of simplicity and ferocity certainly exists, but though a partial civilization may have varnished his exterior, beneath the thin crust the savage nature lurks, ever ready to break forth, like those volcanic mountains whose pure snows only hide the molten lava within."<sup>3</sup>

Remembering this, insignificant matters become important. There is no doubt that while the road-builders were well supplied with food, the Indian packers were nearly starved. That the desire for food was one factor is shown by the fact that all the food at the ferry was stolen and hidden away and all the food at the main camp taken. Revenge for wrongs, real or imaginary, was another. Chief Justice Begbie, who tried the murderers, states that interference with the Indian's supposed rights in regard to land, and especially to some particularly valuable spring of water, was at the root of the trouble.<sup>4</sup> "The treatment the Indians employed in packing received at the hands of Brewster and his party was at once calculated to arouse their cupidity and provoke their vengeance."<sup>5</sup> The

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<sup>1</sup> Governor Seymour's Speech, Dec. 14, 1864.

<sup>2</sup> Macfie, *Vancouver Island and British Columbia*, p. 465.

<sup>3</sup> Whymper's *Travels in Alaska*, p. 36.

<sup>4</sup> Langevin's Report, p. 27.

<sup>5</sup> *British Columbian*, June 8, 1864.

facts support this statement. Klattasine, who murdered Smith at the ferry, had only recently arrived in the neighborhood, where his son was engaged with the Indian packers. He had intended to return into the interior, but when he met his son and the other Chilcotin Indians he changed his mind and proceeded with two friends to the ferry, where they murdered Smith that very evening.<sup>6</sup>

These two items—plunder and revenge—form the basis. To them were added complaints that the whites—not those killed, but others—were obtaining the services of the Indians and giving worthless acknowledgments in payment. Other white men, it was claimed, had stolen from the graves of their dead the property left there. The great scourge of small-pox, which had made such ravages amongst the whole native population in 1862, was said to have been introduced amongst the Chilcotins by evil-disposed whites and revived later by unscrupulous white men who had removed from the graves the infected blankets and sold them to the unsuspecting natives.<sup>7</sup> And further, that not content with this wicked conduct, some white men had threatened to bring the small-pox once more amongst them.<sup>8</sup> Even the most casual acquaintance with the Indian nature reveals how unreasoning and indiscriminating it is. Vicarious suffering is a tenet amongst them. That the desecration of their graves was regarded as a factor in the trouble is further shown by the fact that at the next session of the Legislative Council an ordinance was introduced by the Attorney-General (the late Sir H. P. P. Crease) making such conduct an offense punishable by a fine of £100 and six months' imprisonment.<sup>9</sup> If interference with their women enters into the question at all, it must be classed with these secondary causes.

The persons suspected of the murders were Klattasine, the chief, Tellot, his two sons-in-law, Jack and George, Lowwa, Cusheen, a slave, Chraychamum, and nine others.

The news of the massacre of Waddington's road-builders reached the capital on May 14, 1864. Thus, Governor Seymour, within a month of his arrival in the colony, found himself face to face with what threatened to develop into a general Indian uprising.

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<sup>6</sup> Brew's Report, May 25, 1864.

<sup>7</sup> Morice, *History of British Columbia*, p. 300.

<sup>8</sup> *British Columbian*, March 4, 1865.

<sup>9</sup> Ordinances, 1865, No. 19.



Immediate and energetic steps were taken. On Sunday, May 15th, a party of twenty-eight volunteers, under Chartres Brew, the Chief Inspector of Police, left the capital on H. M. S. *Forward* for the scene of action. Another party of fifty was organized in Cariboo, under the command of Mr. William G. Cox—"Judge Cox"—as he was commonly called. The Brew party was instructed to make its way into the Chilcotin territory by the Bute Inlet route, while the Cox party advancing from the eastward should effect a junction with it near Puntze Lake. In the event of the Brew party coming into contact with the Indians before reaching that point, and meeting with resistance, the instructions were to return and report, and H. M. S. *Tribune*, with an ample force of marines, would be dispatched as a reinforcement. The Brew party made its way to the end of the trail, when, finding no practicable road through the wild mountainous region which intervened between that point and the plateau, the attempt to reach Chilcotin by this route was abandoned, and the party returned after a fortnight's absence.

The expedition from Alexandria under Mr. Cox did not set out for the Chilcotin country until June 8th. The delay was caused by the steamer *Enterprise*, which operated from Quesnelle southward, being out of repair, so that it was necessary to build rafts to reach Alexandria.<sup>10</sup> This party consisted of fifty men, including Mr. Donald McLean, late Chief Trader of the Hudson's Bay Company at Kamloops, and two of his sons. From Alexandria, Cox followed Lieutenant Palmer's trail of the preceding year and, on the 12th, arrived at Puntze Lake near the junction of the Chilcotin and Chilanko rivers. The next day McLean departed for the forks of the Chusko and Chilcotin rivers, through the thickly-timbered and brush-covered country, in search of Alexis, a friendly Chilcotin chief. When he reached this tribe he found all in arms and prepared for war, but, succeeding in convincing them of the peaceful intentions of the whites, they promised to send Alexis into the camp.

A scouting party were also sent out, but had scarcely proceeded half a mile when they fell into an ambush. One man was injured. The Indians dodged from tree to tree, whooping and firing upon the party at every opportunity. Their fire was vigorously answered. When this party returned to camp, the Indians came to the top of a

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<sup>10</sup> *British Columbian*, July 2, 15, 1864.

hill near-by and fired their pieces in manifest token of defiance. Cox determined to await the arrival of reinforcements. In the meantime his party remained at Puntze Lake in their log fort on the summit of a small hill from which flew continuously the white flag of friendship.<sup>11</sup>

When the attempt to enter by way of Bute Inlet proved abortive, another party of thirty-eight volunteers, in charge of Chartres Brew, was dispatched on June 13th from New Westminster on H. M. S. *Sutlej*. Governor Seymour accompanied this contingent. The route selected was the Bentinck Arm trail. When they arrived at the head of that arm on June 24th they met the five survivors of the McDonald party and thus learned the details of this late massacre. Visions of a general Indian war with all its horrible accompaniments arose, but when the Bella Coola Indians were found to be most friendly and peaceable the fear of an insurrection, or even of a really organized resistance, began to disappear.<sup>12</sup> Proceeding slowly inland the volunteers soon came upon the traces of the struggle of McDonald's men. Kegs of nails, boxes of carpenters' tools, looted pack-saddles, broken agricultural implements, a musket shattered by a bullet, canned goods, ropes, candles, and all sorts of merchandise lay scattered around. Farther on were the earth-works from which McDonald and his party had kept the savages at bay. Two miles beyond, on the summit of a hill near Sutliko, a palisaded block-house of the Indians was found. A clearing had been made around this spot and the building loop-holed for defence. As the works were capable of affording serious annoyance they were destroyed. Evidences of intention to oppose their advance were frequent, but the Indians fled before them in all directions. On July 7th the party reached Puntze Lake, where Cox's men were anxiously awaiting their arrival.

McLean, who was in his element in this man-hunt and who seemed to think he bore an enchanted life, was indefatigable in his efforts to bring it to a successful issue. On July 17th he went out with an Indian guide to reconnoitre. The latter, hearing the click of a gun, warned McLean of the proximity of an enemy and advised him to lie down. He contemptuously spurned the advice. The next

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<sup>11</sup> Cox's Report, June 19, 1864.

<sup>12</sup> Admiral Kingcombe to Colonial Secretary, July 8, 1864.

moment the sound of a gun was heard and McLean fell with a bullet through the heart. The guide, crawling through the woods, returned with the news, and a party was sent out to bring in the body.<sup>13</sup>

The force from New Westminster, hearing that the murderers were in hiding nearer the coast, set off in that direction, scouring the country and meeting, everywhere, evidences of the proximity of Indians, but finding none. Cox's party still remained in the camp.

By degrees the Indians, who had kept aloof at first, began to be familiar with the presence of this armed white force in their country. Women came to the camp to trade, and finally Alexis, the much-desired Chilcotin chief, was induced to present himself to the Governor. Accompanying him was an Indian who stated that he was the bearer of a message from Klattasine and Tellot, that if the whites would remain where they were the murderers would come and deliver themselves up. Cox replied that he intended to proceed immediately in search of them and was only waiting for the necessary provisions from Alexandria, but if the murderers would surrender he would await them at the old Hudson's Bay Company's fort on the Chusko River. On August 10th the messenger came to this place, to which Cox had removed his men, saying that eight of the murderers would arrive next morning. Accordingly, on the following day, Klattasine, Tellot, and six others accompanied by Alexis and a number of his people, came to Cox's camp and surrendered themselves, returning at the same time a horse and a mule and \$20 for the Governor in token of good faith, and bringing presents of money and gold dust. They informed him that ten others were implicated, but could not be caught until the following spring, and that three more had been concerned in the murders but that one had been shot by McDonald and the other two had committed suicide.<sup>14</sup>

The dramatic version of this incident runs thus: "The murderers sent one of their slaves to Mr. Cox's camp to ascertain the terms of surrender. Cox packed the slave with a sack of flour and other articles and sent a message to the effect that they desired to make friends with them and invited them into the camp. About noon of

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<sup>13</sup> *British Columbian*, Aug. 3, 1864.

<sup>14</sup> *British Columbian*, Aug. 24, 1864.

the same day Tellot, with his party, accompanied by their families, came into camp, and found to their surprise that they were surrounded by armed men, who informed them that they were prisoners, and ordered them to lay down their arms. All, with the exception of Tellot, complied, but he grasped his musket by the muzzle and smashed it into atoms against a tree, and drawing his arms across his breast invited them to shoot him, remarking with scorn depicted on his countenance, that 'King George men were great liars.'"<sup>15</sup>

This story, unfortunately for its veracity, rests entirely upon a letter from William Byers, who was one of Brew's party and who, at the time of the surrender, was with them in the neighborhood of Tacla Lake and Memyo River, a hundred miles away. The account which has been given as the correct one is the official report of Mr. Cox, supported in detail by Mr. J. D. B. Ogilvy, an eye-witness. There is, however, but little doubt that while the theatrical gun-breaking incident is apocryphal, Cox made representations of friendship and immunity which he could not perform.<sup>16</sup> This appears plain from the gifts which the Indians brought, and explains the otherwise unaccountable surrender of men whom the party had not even been able to see or get a trace of and who could readily have hidden themselves securely in the fastnesses of the Cascades. Chief Justice Begbie in his note on the subject says these men "were induced to surrender."<sup>17</sup>

The ring-leaders having been secured, provisions being scarce, and the daily cost of the expedition enormous, Cox's party with the prisoners returned to Alexandria and disbanded, while Brew's party marched to Bella Coola, hoping to find some of the other murderers on their way. In this quest they were unsuccessful, but meeting Anaheim, another chief of the Chilcotins, they obtained from him the horses and the greater part of the loot of McDonald's pack train. Not having been concerned in the massacres, though doubtless willing to aid the offenders, Anaheim was released, promising to secure the remainder of the fugitives in the spring and deliver them up to justice.

The trial of the murderers took place at Quesnel mouth in September. Two of them became witnesses for the Crown; five were

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<sup>15</sup> Morice, *History of British Columbia*, p. 312.

<sup>16</sup> *British Columbian*, Aug. 24, Sept. 7, Sept. 17, 1864.

<sup>17</sup> Langevin's Report, p. 27.



found guilty and hanged; the eighth was sentenced to imprisonment for life, but escaped.<sup>18</sup>

The expedition had been an expensive one for the colony. Its total cost amounted to about \$80,000. But the indirect benefits were incalculable. The Government showed that it was not sought to visit upon the natives, indiscriminately, punishment due to the few guilty persons, but to impress the Indian mind with the superiority of British law in this very respect that only the guilty can be punished. The salutary influence of this policy was soon evident. When the expedition penetrated the Chilcotin country this was not understood. Vengeance, not justice, was thought its object; and whole tribes were arrayed in hostile opposition prepared to make common cause with the fugitives. When the true motive was made clear, all this changed; the great chiefs became ranged on the side of law and order and engaged to assist in securing those murderers who were still at large.

During the session of 1864-5 the Legislative Council passed a resolution requesting the Imperial Government to bear one half of the expense of the Chilcotin war, as this trouble was locally called.<sup>19</sup> The Right Hon. Edward Cardwell, the Secretary of State for the Colonies at that time, refused the application, saying: "The expedition was demanded as an act of retributive justice, and as being needful for the safety of all persons who might be engaged hereafter in similar undertakings. \* \* \* The cost of the expedition must, however, fall upon the colony. I cannot admit that Her Majesty's Government is in any sense responsible for that expense and it is not in my power to hold out a hope that any part of it can be defrayed out of funds to be voted for that purpose by the Imperial Government."<sup>20</sup> The mother was dealing out stern, even-handed justice and not kindly, sympathetic treatment to her infant child.

At the same session the Legislative Council granted to the widow of Donald McLean an annuity of £100 a year for five years. Mr. Edward Atkins, now of Coquitlam, is one of the few survivors of the Brew party.

Mr. Waddington also came forward with a claim for compensation. He petitioned to be allowed to surrender his charter on

<sup>18</sup> Morice, *History of British Columbia*, p. 313.

<sup>19</sup> *British Columbian*, Dec. 21, 1864.

<sup>20</sup> Letter Cardwell to Seymour, July 22, 1865, in *British Columbian*, Jan. 27, 1866.

being reimbursed the moneys expended on the Bute Inlet scheme, amounting in all to some \$50,000. He based this request on the ground that his party had not been afforded any Government protection. The Governor very naturally replied that no such protection had been requested, nor had the Government been even notified that the road-builders were in that locality and that, in any event, no state could guarantee its citizens against murder. The Legislative Council supported the Governor.

This outbreak killed the Bute Inlet road scheme. No further work was ever done upon it and it was forgotten by the colony. But Mr. Waddington, who clung to it like a fond and doting parent, still retained the opinion that the route was feasible and, as late as 1867, was unsuccessfully endeavoring to interest the public in the project and obtain an extension of his charter.<sup>21</sup>

#### A SKETCH OF THE LEGISLATION, 1864 TO 1866

In September, 1864, following the precedent established by his predecessor, Governor Seymour caused elections to be held in the five districts. As before, these elections dragged on over a period of a month or more. The date of each election rested entirely with the returning officer. No boundaries were given to the districts, nor was any qualification required for voters or members except where the people themselves voluntarily fixed it. The elections resulted in the return of the Hon. J. A. R. Homer for New Westminster, by acclamation, Hon. Henry Holbrook for Douglas-Lillooet by acclamation, Hon. George Anthony Walkem for Cariboo East by a majority of two hundred and eighteen, Hon. Clement F. Cornwall for Hope, Yale, and Lytton by a majority of one hundred and ninety-three, Hon. Walter Moberly for Cariboo West.<sup>22</sup> It will be noted that only two of the popular members retained their seats. The Hon. R. T. Smith dared not face the electors in Hope, Yale, and Lytton, and both the Hon. A. W. Black and Hon. James Orr went down to defeat in the Cariboos. The Governor made a change in the magisterial members. Those he appointed were Hon. Chartres Brew, New Westminster; Hon. Peter O'Reilly, Cariboo; Hon. Henry

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<sup>21</sup> *British Columbian*, Jan. 19, 1867.

<sup>22</sup> *British Columbian*, Oct. 12, 19, 22, 1864; Nov. 19, 1864.

Maynard Ball, Lytton; Hon. Andrew C. Elliott, Lillooet; Hon. John C. Haynes, Kootenay.<sup>23</sup>

The second Legislative Council met on December 12, 1864. The following members were present at the opening: the Colonial Secretary, the Attorney-General, the Treasurer—Mr. C. W. Franks who had succeeded Captain Gossett—and the Collector of Customs; Magistrates, Brew, O'Reilly, and Ball; popular members, Homer, Holbrook, Walkem, and Moberly. In his opening speech—a lengthy speech as usual—Governor Seymour stated that the year's expenditures had been about £160,000, and the income about £107,000. Of the £100,000 loan authorized by the last Council, only £26,300 had been used. He dwelt at great length upon the Chilcotin war. He stated that he proposed to bring in bills to amend the bankruptcy and insolvency laws, to deal with the disposal of Crown lands, to fix tolls according to the probable damage to roads by the width of wagon tires, to remodel the postal service, and to consolidate the mining laws. He concluded by stating that he was not yet prepared to bring in a bill embodying an "Indian Policy," and by referring to a recent resolution of the Vancouver Island Legislature on the vexed question of union of the two colonies. The Council dutifully replied, the supplementary estimates were passed, and an adjournment was taken until January 12, 1865.

On its reassembling, Governor Seymour delivered another long speech—even longer than was his wont. He informed the Council that under the new rules by which its proceedings would be governed, the press and a limited number of the public would be admitted and that private members would be entitled to introduce bills. He pointed out that the revenue must be increased and suggested an export duty on gold. He then went on to discuss at length each of the subjects on which he had already promised legislation; referred incidentally to the necessity of expanding the road system to reach the Kootenay and other new diggings, and of improving the communications in Cariboo, and concluded by stating that, in deference to the expressed sentiments of the Council, he refrained from offering any opinion upon the subject of union with Vancouver Island.<sup>24</sup>

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<sup>23</sup> *British Columbian*, Nov. 2, 1864.

<sup>24</sup> *British Columbian*, Jan. 14, 1865.







Henry Holbrook  
George A. Walkem  
W. O. Hamley

Chartres Brew  
H. M. Ball  
A. N. Birch

C. W. Franks  
Peter O'Reilly  
Walter Moberly

J. A. R. Homer  
H. P. P. Crease

FIRST LEGISLATURE OF 1864

Besides legislation on the topics mentioned in the Governor's address, the Council passed an ordinance to encourage the construction of a telegraph line in British Columbia as one of the links connecting the existing systems in the United States and Russia. This venture, known as the Collins Overland Telegraph scheme, will be dealt with at length in its proper place.

The Council, on the initiative of the Hon. Mr. Walkem, dealt with an important matter—the necessity of keeping the public accounts in decimal currency. When this ordinance was being discussed a somewhat novel incident occurred. At the suggestion of Mr. Walkem, Mr. Townsend, the manager of the Bank of British Columbia, Mr. Ker, the Auditor-General, and Mr. G. B. Wright were admitted to the floor of the House, gave evidence on the question, and were examined by the members in open session.<sup>25</sup> The first arrivals in the colony, being chiefly from the United States, had introduced the decimal currency and that had remained the system in the community as a whole, but the Government had, nevertheless, always kept its accounts in sterling currency. The operation of the ordinance was suspended until Her Majesty's consent should be obtained. In November this sanction was received and notice was given that from January 1, 1866, the accounts of the colony would be kept in dollars and cents.<sup>26</sup>

Amongst the subjects of legislation to which the Governor had referred, none created more discussion than the Gold Export duty. By this ordinance, an export duty of 2s. an ounce upon unassayed and 1s. 6d. on assayed gold was levied to form a fund to be expended upon the improvement of communications and for public works in or towards the mining districts of the colony, and generally for works and objects calculated in the opinion of the Governor to promote the interests of the mining population of the colony.<sup>27</sup> The Council was unanimous in support of the principle of this ordinance, though some diversity naturally existed in reference to the details. During Governor Douglas's *régime* he had suggested the expediency of such a tax. In December, 1858, he had told Sir E. B. Lytton that "an export duty on gold would now yield a respectable amount of revenue."<sup>28</sup>

<sup>25</sup> *British Columbian*, Feb. 4, 1865.

<sup>26</sup> *British Columbian*, Nov. 8, 1865.

<sup>27</sup> Ordinances, 1865, No. 13.

<sup>28</sup> B. C. Papers, pt. 2, p. 45.

The Duke of Newcastle in October, 1859, had written to Governor Douglas: "You have on many occasions adverted to your intention of levying an export duty on gold; but as no report has reached this office of your having done so, I conclude that impediments have arisen to frustrate this very necessary measure. Now, however, that it has been determined to set up a Government assay office in the colony, you will lose no time in resorting to the expedient for which you have pressed Her Majesty's Government to give you such facilities as are requisite."<sup>29</sup> Notwithstanding these instructions, Governor Douglas took no steps to levy such a tax; and further, when, early in 1864, the Legislative Council by a unanimous vote recommended an export tax upon gold, he calmly refused to move in the matter.

Another measure passed by the Council attracted considerable attention and led to an increase in local antagonism between the two colonies. By Governor Douglas's proclamation the value upon which duty was payable on imported goods was the "value thereof at the port of entry," instead of at the place of export.<sup>30</sup> This was worked out so that the merchant in British Columbia who imported from Vancouver Island paid on his invoice, while he who imported from the principal markets of the world paid on his invoice with one third added.<sup>31</sup> Thus the inducement to buy in the large markets was made so small that the great bulk of the wholesale trade of British Columbia was done through the neighboring colony, then under free trade. The Customs ordinance, 1865, increasing the duties payable upon imports into the colony, declared that their value should be "the fair market value thereof in the principal markets of the country whence the same were last shipped or exported direct to this colony." The people of Vancouver Island claimed that this provision militated unduly against them and had been introduced for the purpose of stimulating a direct trade with other countries and shutting out the merchants of Victoria from the markets of British Columbia. So great was the uproar that the ordinance was ultimately disallowed by the Home Authorities.

It has been already mentioned that the Duke of Newcastle, in granting the half measure of representation to the colony, had

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<sup>29</sup> B. C. Papers, pt. 3, p. 105.

<sup>30</sup> Proclamation, June 2, 1859.

<sup>31</sup> *British Columbian*, Jan. 27, 1866.

required Governor Douglas to proclaim a permanent law fixing, amongst other things, the salary of the Governor of British Columbia at £3,000. The Council, "owing to the decided progress that had taken place in the colony and to the increased responsibilities that had therefore devolved upon the head of the Executive," passed an ordinance increasing this salary to £4,000, subject to Her Majesty's confirmation, which was later obtained.<sup>32</sup>

In the fall of 1865 the Hon. Walter Moberly resigned his seat in the Council to accept the position of Assistant Surveyor-General, and in November that peculiar person, the Hon. Robert Smith—"Peg-leg Smith"—was elected in his stead. In this election fully one third of the votes cast were given by Chinese. "Asiatics, on the way down from the mines, many of them doubtless *en route* to China, were dragged up to the so-called polling booth and taught to lisp the name of the ambitious candidate for legislative honors!"<sup>33</sup> Indeed there was no express legislative provision against Chinese voting in British Columbia until 1874. With this change the Council of 1865-6 was the same as that of 1864-5. In the absence of Governor Seymour, who had left the colony in August, 1865, and, having been married, was still absent on his wedding tour, the Hon. A. N. Birch, the Colonial Secretary, was Administrator of the Government.

In his speech at the opening of the third Council, January 18, 1866, he alluded to the deficit which had occurred in the public accounts for 1865, spoke of the necessity for retrenchment, pointed out that he had reduced the "establishments" by \$30,000, intimated that owing to the hostility to the Gold Export Duty of last session he would propose its repeal and, dealing with sources of revenue, suggested the propriety of increasing trade and liquor licenses.<sup>34</sup>

Early in the session, correspondence in connection with the Royal Engineers was laid before the Council. While that corps was stationed in the colony an advance of £10,704 16s. 7d. had been made by the Imperial Government on account of the buildings erected by them. The claim for repayment had remained in abeyance and was a legacy from Governor Douglas's time. In 1864 the Council had requested to be relieved from this obligation, as the buildings were

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<sup>32</sup> Ordinances, 1865, No. 24.

<sup>33</sup> *British Columbian*, Nov. 11, 15, 1865.

<sup>34</sup> *British Columbian*, Jan. 20, 1866.

Vol. II—13



of no use to the colony. Even this could not be granted. In October, 1865, the Right Hon. Edward Cardwell wrote that the Board of Treasury "cannot consent to a further postponement of the repayment of the sum of £10,704 16s. 7d.—for the cost of buildings erected by the Royal Engineers and the Paymaster-General has accordingly been authorized to receive that amount."<sup>35</sup> The Home Authorities were asking for their pound of flesh; and they got it.

The Gold Export Duty, from which so much had been hoped when it was introduced in 1865, had proved a signal disappointment. Its advocates had prophesied that it would produce £20,000 or £30,000 and would be collected without difficulty or objection. However, perhaps owing to the relatively high rate of the tax, perhaps to the decrease in gold production, perhaps to the difficulties of collection, or all combined, it yielded but £10,428 14s. 2d. and this not without fierce opposition.

The administration of the Hon. Mr. Birch continued from August, 1865, till November, 1866. When this responsibility was cast upon him, some anxiety was felt as to the result. His youth and inexperience, for he was scarcely thirty years of age, it was feared, would prove unequal to the heavy task which falls upon a colonial governor. And especially at a time when, with a depleted treasury, scarce able to meet the ordinary demands upon it, there came from the one hand the order for retrenchment and from the other the demand for the immediate construction of roads and trails to connect the new mines with the coast. Yet in this situation, perplexing enough to more experienced statesmen, he steered a course which met with general approval. In legislative matters he was equally successful and when the majority of the Council attempted to impose a heavy import tax, which would have crippled the young commerce of the colony, he boldly vetoed the measure, though it had passed the House by eight votes to four. His diplomatic abilities were shown in his dealings with the miners both in Cariboo and Kootenay, but more especially in arranging a very delicate matter with the Indian tribes, whereby a valuable tract of land, having a frontage of forty miles on the Thompson River, granted by Sir James Douglas and tenaciously held by the Indians, was, with the exception of a small section, surrendered and opened to settlement.

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<sup>35</sup> Secretary of State to Hon. A. N. Birch, Oct. 31, 1865, in *British Columbian*, Feb. 10, 1866.

On Governor Seymour's return in November, 1866, Mr. Birch, who had merely been absent on leave, departed from the colony to resume his duties in the Colonial Office, leaving amongst the colonists a settled conviction of his abilities as an honest, an energetic, and a capable administrator.<sup>36</sup>

#### THE OVERLAND TELEGRAPH SCHEME

The legislation of 1866 consisted in the enactment of laws relating to trustees, joint stock companies, the sale of real estate of intestates, Crown lands, the jurisdiction and procedure in the county courts, and other similar matters, not involving any questions really entering into the history of the colony. For the first time the estimates are given in dollars and cents. The Collins Overland Telegraph, which had, in the preceding session, been incorporated as the Western Union Telegraph Extension Company, and been authorized to proceed with its undertaking, had its name changed to the Western Union Telegraph Company.<sup>37</sup>

This venture, which has frequently been referred to, will now be sketched, together with another telegraph scheme—the Atlantic & Pacific Transit and Telegraph Company. The necessities of commerce called for telegraphic communication between America and Europe. With that great undertaking the name of Cyrus W. Field will always be connected. He was not the first to think of laying a cable on the bed of the Atlantic, but he was the first to make up his mind that it could be done and to show the world how to do it and to do it. The history of human invention has not a more inspiring example of patience living down discouragement and perseverance triumphing over defeat. The attempt of 1857 ended in failure before three hundred miles had been laid; in 1858, the first effort was abandoned; later in that year the cable was actually laid and a few messages had been transmitted when silence came upon the eloquent wire. A further attempt was made in 1865, but again failure was its lot. At last, in 1866, success crowned the efforts and the Atlantic cable became a reality of life. While this struggle was going on, many persons believed the undertaking impracticable. "Before the ships left this country with the cable," wrote Robert

<sup>36</sup> *British Columbian*, Nov. 17, 1866; *Victoria Morning News*, June, 1868.

<sup>37</sup> Ordinances, 1866, No. 3.

Stephenson, in 1857, "I very publicly predicted, as soon as they got into deep water, a signal failure. It was in fact inevitable."

After the failure of the 1858 cable, the plan of building a line of overland telegraph through British Columbia and Russian America, connecting by a short cable across Behring straits with a line through Siberia, was examined and gained favour as a practical solution of the question. Telegraphic engineers of the day had, like Stephenson, no faith in the successful operation of an Atlantic cable.

As already mentioned, Governor Douglas had, in 1864, recommended to the first Legislative Council the proposals of the Atlantic & Pacific Transit and Telegraph Company, whose plan was the building of a telegraph line connecting British Columbia with Canada.<sup>38</sup> The scheme was never carried out, but, as the circumstances are of interest, the main outlines will be given. The prime mover was Sir Edward W. Watkin, a person closely in touch with the Hudson's Bay Company and the Colonial Office. He had become obsessed with plans for the colonization of the North West Territories. In that connection he evolved this Atlantic and Pacific Telegraph scheme. Though wealthy bankers of London were behind the undertaking, bonuses were wanted from the Imperial, the Canadian, the British Columbian, and the Vancouver Island governments. The company was to extend or obtain the extension of the telegraph line from Sault Ste. Marie by Lake Superior to Fort Garry and thence, by way of Jasper House, to Fort Langley. In this connection the matter was put with a shocking, though perhaps commendable, plainness by Sir E. W. Watkin. "The extension of telegraphic communication to Fort William on the one side and to Fort Langley on the other would depend upon the subsidies to be obtained from Canada and from British Columbia and Vancouver Island." [The aid to be granted by the Imperial authorities, being only land, was apparently not regarded as a subsidy.] "I have the assurance of the present leader of the Canadian Government, that the offer to give a subsidy, made last year, will be officially renewed, and I shall endeavor to get this promise put in writing and send it to you home. British Columbia, I assume, would do what the Colonial Office requested, but, in any case, we ought not to commit ourselves to a through communication through Canada and British Columbia

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<sup>38</sup> Ante, p. 170.

without a clear understanding as to the subsidies. At the same time, if you, the Hudson's Bay Company, have command of one thousand miles of telegraph, enabling you to transmit information through your own channels with a new expedition, you will practically have command of the future discussion of this large question."<sup>39</sup>

That all parties thought that any request of the Colonial Office would meet a ready acceptance is shown by a letter from the Duke of Newcastle to Sir E. W. Watkin in March, 1863, in which the following paragraph occurs: "As Canada has offered to bear one half of the proposed guarantee, the Duke of Newcastle is prepared to recommend, and His Grace has no doubt of ready acquiescence, that British Columbia and Vancouver Island shall pay the sum of £10,000 per annum, as their share of £20,000 (being at the rate of £4 per cent on a capital of £500,000) to commence when the line is in working order."<sup>40</sup> And again in a subsequent letter of May 1, 1863: "The Duke of Newcastle, on the part of British Columbia and Vancouver Island, sees no objection to the maximum rate of guarantee proposed by the company provided that the liability of the colonies is clearly limited to £12,500 per annum."<sup>41</sup>

On November 25, 1863, the House of Assembly of Vancouver Island resolved that whilst regarding the project with warm interest they would nevertheless forbear to take any active measures in furtherance of it until the intentions of the Canadian Government were made public.<sup>42</sup>

The Legislative Council of 1864, however, were not so tractable as the Secretary of State for the Colonies had thought, and refused, so far as British Columbia was concerned, to give the guarantee. They had before them at that very session the application of the California State Telegraph Company which asked no bonus or aid of any kind, but merely the privilege of building through British Columbia as a part of the large project of linking the telegraph systems of two continents.<sup>43</sup> Naturally the Council favoured this proposal and passed the ordinance granting the request. The Home Authorities, doubtless at the suggestion of the Atlantic and Pacific

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<sup>39</sup> *Canada and the States*, pp. 186, 187.

<sup>40</sup> *Op. cit.*, p. 114.

<sup>41</sup> *Op. cit.*, p. 116.

<sup>42</sup> *Telegraph Papers*, June 17, 1864, p. 12.

<sup>43</sup> *Ordinances*, 1864, No. 9.



people, refused assent to the measure, and it was shelved for the time. Dr. W. F. Rae, who had charge of the surveys for the Atlantic and Pacific scheme, arrived in British Columbia in September, 1864, and investigated the feasibility of constructing that line by way of the Yellowhead Pass, but nothing ever came of it.

Though the ordinance of 1864 had been disallowed, Mr. Perry McDonough Collins, who was the moving spirit in the undertaking, was not disheartened. He placed the proposition before the Legislative Council of 1865 and obtained the right to construct the line through the colony of British Columbia, to connect with the lines in the United States, Russian America, and Siberia. The work in British Columbia was to be commenced before January 1, 1867, and completed by January 1, 1870. The franchise was to expire January 1, 1903. The existing Siberian telegraph line ended at the mouth of the Amoor, whence it extended to St. Petersburg.

The scheme was an ambitious one and the organization in keeping therewith. The principal officers for the first season (1865) were: Colonel Buckley, Engineer-in-chief (on leave of absence U. S. regular army); Captain Scammon, chief of marine (U. S. Revenue Service); Major Wright, adjutant; Major Chappel, chief quartermaster; Mr. Lewis, assistant engineer; Doctor Fisher, surgeon-in-chief; Major Kennicott (in charge of Yukon party); Lieutenant MacCrea (in charge of Anadyr party); Major Abasa (in charge of Siberian party); Major Pope (in charge of British Columbian party); Captain Conway (in charge of building party); E. K. Laborne, interpreter; Frederick Whymper, artist.<sup>44</sup>

During 1865 and 1866 the immense distance which lies between the southern boundary of British Columbia and the mouth of the Amoor was the scene of operations on a very much extended scale. Not less than five hundred skilled men, besides bands of Cossacks in Eastern Siberia, Chinamen in British Columbia, and Indians everywhere, were engaged in building telegraph, exploring the route or transporting goods and material. Seven sea-going vessels, besides smaller craft, were employed in these widely-spread operations; the steamer *George S. Wright* was refitted, a clipper, the *Nightingale* purchased; one large and two small river steamers, including the *Mumford*, which operated on the Skeena River, were

<sup>44</sup> Whymper's Travels in Alaska, p. 70.

built specially for the company's service. There were five barques—several of them excellent vessels. But it only falls within our duty to sketch the company's operations in British Columbia.<sup>45</sup>

Even before the ordinance of 1865 was passed, two vessels loaded with wire, implements, and supplies had sailed from New York, bound for New Westminster and Sitka respectively. The *Milton Badger* arrived at New Westminster in June, 1865. By that time the telegraph wire had been strung connecting New Westminster with the outside world. The first news that wire carried was on April 18, 1865—the sad news of the assassination of Abraham Lincoln.<sup>46</sup> From New Westminster the route had been selected as far as Quesnel mouth. On the arrival of these supplies construction went on at the rate of about six miles a day, being carried on simultaneously from New Westminster and from Yale. Early in August the wire was working to a point 101 miles from Yale. The first message over the line from Hope to New Westminster was typical. It was addressed to Mr. Grelley, the proprietor of the Colonial Hotel at New Westminster, and read: "Send a bottle of champagne to the Telegraph office to Mr. Conway with compliments of *Landvoigt*." By August 26th, the wire had been carried as far as Deep Creek, and three days later it reached Soda Creek. From this place the route followed the east bank of the Fraser to Quesnelle mouth, where it crossed the river and turned northwesterly to Fort Fraser, thence by Endako River, Burns Lake, and Buckley River to the Skeena River, near Hazelton. The exploring party, under Major Pope, spent the winter of 1865 at Buckley House, their headquarters, at the northern end of Tacla Lake.

During the season of 1866 the work of construction went briskly on. One hundred and fifty pack animals were employed in bringing into the region between Quesnel and the Skeena River, the miles of wire and tons of material and provisions required. These supplies were taken by boat from Quesnel up the Fraser, Blackwater, Nechaco, and Stuart Rivers to convenient spots, whence the pack trains carried them to the scene of operations, but even with this decrease in the land carriage the materials could not be supplied as fast as required.<sup>47</sup> By the end of June Fort Fraser was reached.

<sup>45</sup> Whymper's *Travels in Alaska*, p. 106.

<sup>46</sup> *British Columbian*, June 17, 1865.

<sup>47</sup> *British Columbian*, June 23, 1866.

From Quesnel four hundred miles of wire were stretched, and four hundred and fifty miles of trail cut through a heavily wooded country, where, also, for protection against interruptions in its operation, the trees were felled for twenty or thirty feet on each side of the line. When the season of 1866 closed, the telegraph existed from the southern boundary of British Columbia to a point twenty-five miles beyond Fort Stager, a supply depot at the confluence of the Kispiox and Skeena rivers. The party which had done this work numbered less than one hundred.<sup>48</sup>

Though the news of the successful laying of the Atlantic cable reached this party in August, 1866, the work was continued for a short time. A block house was built at the end of the line and filled with utensils and materials—wire, brackets, and insulators—awaiting the possibility of the cable's again proving a failure. The line was only operated as far as Fort Stager. There an immense amount of material for use between the Skeena and the Stikine rivers was stored. Mr. John McCutcheon, one of the operators, and Mr. William McNeill, a son of Captain McNeill, of the *Beaver*, were in charge at this solitary outpost of civilization.

The first triumphant flash at Trinity Bay was the deathblow to the overland venture four thousand miles away. "Europe spoke to America beneath the ocean, and the voice which men had sought to waft through the vast forests of the wild north land and over the tundras of Siberia died away in utter desolation."<sup>49</sup> No further work was ever done in British Columbia, and in 1868, under instructions from the company, Mr. McCutcheon abandoned Fort Stager, bringing with him about thirteen large canoes, loaded with provisions and clothing; but the tons of wire and piles of other material remained on the ground and were the great source of supply for the domestic requirements of the Indians for manufacturing nails, fish spears, traps, and toboggans, and even for the construction of rude suspension bridges across the streams of that distant section of the colony, perhaps the best known of which is the bridge at Hagwelget.

The work of exploration and building, however, continued on the Asiatic and Alaskan coasts until July, 1867, when these parties heard the great news. Then fifteen thousand telegraph poles were left to make camp fires for the wandering Tuski. The disappoint-

<sup>48</sup> *British Columbian*, Oct. 27, 1866.

<sup>49</sup> Butler, *The Wild North Land*, p. 335.

ment of the men who had endured for years the hardships of Arctic life was keen indeed. "I can sympathize," says Whympers, "with the feeling that prompted some of them at Unalacheet, Norton Sound, on hearing of the withdrawal of our forces, to hang black cloth on the telegraph poles and put them in mourning."<sup>50</sup>

The immense sum of \$3,000,000 had been sunk by the Western Union Telegraph Company in this undertaking.<sup>51</sup> The Asiatic and Alaskan lines went to immediate ruin; and no wonder, for Dall tells us that the portion built on Norton Sound was so poorly done "that, in the fall of 1867, not a single pole stood erect and perpendicular."<sup>52</sup> The line from Quesnel to Fort Stager soon met the same fate; but the remainder was operated for many years, forming the origin of the present system in the Northern Interior of British Columbia.

In leaving this subject, the telegraph rates of the day may be mentioned. These would now be regarded as prohibitive. In April, 1866, the company advertised that they had reduced the charges for transmission of ten-word messages, and that thereafter the rates would be: from New Westminster to Quesnel and Soda Creek, \$5.00; to Clinton, \$3.00; to Cook's Ferry, \$2.50; to Yale, \$1.50; to Hope, \$1.00; to Matsqui, 50 cents.<sup>53</sup>

In 1873, Capt. W. F. Butler, in his journey across the wild north land, came across the remains of the telegraph line in upper British Columbia. After crossing the Nechaco and continuing south for a few miles "we reached," he says, "a broadly cut trail which bore curious traces of a past civilization. Old telegraph poles stood at intervals along the forest-cleared opening, and rusted wire hung in loose festoons down from their tops or lay tangled amid the growing brushwood of the cleared space. A telegraph in the wilderness! What did it mean? When civilization once grasps the wild, lone spaces of the earth it seldom releases its hold; yet here civilization had once advanced her footsteps and apparently shrunk back again frightened at her boldness. It was even so; this trail with its ruined wire told of the wreck of a great enterprise. \* \* \* So the great enterprise was abandoned, and today from the lonely shores of Lake Babine to the end of the Fraser at Quesnel, the ruined wire hangs loosely through the forest."<sup>54</sup>

<sup>50</sup> Whympers's Travels in Alaska, p. 241.

<sup>51</sup> Id., p. 68.

<sup>52</sup> Dall's Alaska, p. 359.

<sup>53</sup> *British Columbian*, April 7, 1866.

<sup>54</sup> Butler, *The Wild North Land*, pp. 333-5.





## CHAPTER XII

### GOVERNOR KENNEDY AND HIS TROUBLES

Reference has already been made to the requirement by the Duke of Newcastle that Vancouver Island, as a condition of obtaining a separate Governor, should pass a permanent act securing to the principal colonial officials salaries at specified rates.<sup>55</sup>

Never doubting but that his wish was law, and that the Legislature would immediately obey his behest, the Duke selected Arthur Edward Kennedy for the position of Governor of Vancouver Island. In the interval, the House of Assembly took up the consideration of this permanent Civil List, amounting in all to £5,800.<sup>56</sup> His Grace had intimated that, on its acceptance, the Crown lands of the colony—which were about to be reconveyed by the Hudson's Bay Company to the Imperial Government, on the claims of the former being liquidated—would be forthwith placed at the disposal of its Legislature. But the salaries suggested met with the almost unanimous opposition of the Assembly. A lengthy resolution was passed in February, 1864, in which the House, after reciting the request, went on to state that the annual revenue was only about £35,000 and the population seven thousand, five hundred, that the ordinary expenses of Government were £27,000 per annum, thus leaving but a small sum for internal improvements, that the sale of Crown lands in 1863 had only amounted to £4,500 and would, probably, be no greater in the future, owing, amongst other causes, to the reduction in price from £1 to 4s. an acre, and concluded by declaring "that neither the condition of the general revenue, nor the income derived from Crown revenues, would justify the acceptance of the proposition of Her Majesty's Principal Secretary of State for the Colonies."<sup>57</sup> Another resolution modestly requested an Imperial grant for the purpose of

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<sup>55</sup> Ante, p. 166.

<sup>56</sup> Ante, p. 167.

<sup>57</sup> Macfie, *Vancouver Island and British Columbia*, pp. 320, 321.

"erecting a residence becoming the dignity of Her Majesty's representative," for no Government House then existed. Sir James Douglas had had no official residence.<sup>58</sup>

This was the situation of affairs when Governor Kennedy and his family arrived in Esquimalt on the *Brother Jonathan* on Good Friday (March 25), 1864. He, at once, embarked on H. M. S. *Grappler* for Victoria. There a grand reception was held. The most unbounded joy prevailed, for now the last link of connection with the sway, directly or indirectly, of the Hudson's Bay Company was broken, and he was received with an enthusiasm seldom extended to a new and untried Governor. Handsome in appearance, gray, decidedly military in his bearing, very suave, amiable, and clever, he was a striking figure and a man of character as well. He was, moreover, a fluent and graceful speaker, yet firm and with decided convictions.<sup>59</sup> One of his frequent expressions indicates his mental cast: "It is better to be decidedly wrong than undecidedly right."<sup>60</sup> At that time there existed in Victoria a considerable negro element. These people being dissatisfied with some California legislation had, to the number of eight hundred, emigrated to Victoria in 1858. Their reception did not accord with their anticipations. Being debarred from most public services, they had formed a volunteer corps. On the arrival of the new Governor this body presented an address. He took occasion to state that he knew no class, or sect, or colour, and no difference between men except as between loyal and disloyal, honest and dishonest men, and that in the first colony to which Her Majesty had appointed him he had had a colored Chief Justice and other public officers under him and, in addition, he had sat under a colored clergyman for some years with considerable edification. Here was, already, the little rift within the lute.<sup>61</sup>

To circumvent the action of the Assembly, the Duke of Newcastle instructed Governor Kennedy to issue warrants for his own and the Colonial Secretary's salary at £3,000 and £600 respectively, payable out of any funds which might be under the direct disposal of the Crown as Crown lands, fines, forfeitures, and fees of office. The remainder of the officials His Grace committed to the tender

<sup>58</sup> *British Columbian*, Feb. 10, 1864.

<sup>59</sup> Gosnell History, p. 260.

<sup>60</sup> Walbran's Place Names, p. 282.

<sup>61</sup> Fawcett's Reminiscences, p. 215; *British Columbian*, April 6, 1869.

mercies of the House.<sup>62</sup> This action widened the rift, for the Assembly had declared that the colony could not afford to pay such salaries. No provision had been made for the expenses of the passage or salary of the Governor's private secretary, nor for an official residence for the Governor, and he was obliged to take up his abode in a hotel.<sup>63</sup>

During the summer of 1864 gold was discovered at Sooke, and later at Leech River, by an exploring party organized at the suggestion of Governor Kennedy. The news created the usual excitement, not only on Vancouver Island, but also in California.<sup>64</sup> In August the *Sierra Nevada* arrived with about a hundred Californian miners bound for the Sooke region. These diggings yielded well for a short time and gave promise of continuity. The miners were confident that rich and easily accessible ground had been struck. Many claims were paying, in 1864, from \$10 to \$20 to the man.<sup>65</sup> The reflex action on the community was a temporary stimulation. The Governor called the House of Assembly together hurriedly, evidently hoping that the better commercial feeling would settle the Civil List question, for Crown lands were now coming, again, into demand.<sup>66</sup> In this he was disappointed. When the subject was discussed in November, the offer of the Colonial office to transfer the Crown lands to the colony on condition that the House assumed the payment of salaries on the scale mentioned was again refused.<sup>67</sup> In December the Legislative Assembly discussed the constitution of the Upper House—the Legislative Council; the general tone of the debate showed a strong feeling against the presence of Government officials in that body.<sup>68</sup>

In January, 1865, the estimates were brought in. The revenue was estimated at \$212,000, of which the following were the principal items: Real estate tax, \$110,000; port and harbor dues, \$17,000; liquor licenses, \$20,800; trading licenses, \$34,000; fines of court, etc., \$9,000. The estimated expenditure was \$313,558, under the following chief heads: Surveyor-General's department, \$32,000; judicial,

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<sup>62</sup> Union Papers, pt. 1, p. 5.

<sup>63</sup> *British Columbian*, April 13, 16, 1864.

<sup>64</sup> Macfie, *Vancouver Island and British Columbia*, pp. 156-62.

<sup>65</sup> Macfie, *Vancouver Island and British Columbia*, pp. 160, 161.

<sup>66</sup> *British Columbian*, Aug. 24, 27, 1864.

<sup>67</sup> *Id.*, Nov. 23, 1864.

<sup>68</sup> *Id.*, Dec. 7, 1864.



\$27,000; police, \$20,000; education, \$10,000; hospitals, \$6,500; conveyance of mails, \$33,000; works and buildings, \$12,500; roads, streets, and bridges, \$73,500; miscellaneous services, \$18,000; interest, \$19,400; reimbursements, \$49,000; immigration, \$10,000. It will be noticed that the revenue included nothing under the heading of Crown lands sales and the expenditure nothing under that of Governor's or Colonial Secretary's salary. When these figures came before the Legislature, a reduction of \$10,000 in salaries was made, yet, singularly enough, in view of the financial condition and the deficit of over \$100,000 on the face of the estimates, an item of \$50,000 for a Governor's residence was added.<sup>69</sup> Already there was talk of sending a delegate to England to urge the recall of Governor Kennedy and union with British Columbia.

After a year's delay the Governor solved the residence question. He purchased, in April, 1865, "Cary Castle," the pretentious dwelling erected by George Hunter Cary, ex-Attorney-General of Vancouver Island and British Columbia. The price was \$19,000, but the building was in such a ruinous condition that the repairs necessary brought its total cost to about \$40,000.<sup>70</sup> This purchase excited considerable dissatisfaction; the people desired the Governor to build, not to buy. In fact, things had even now reached such a stage that the Governor could do nothing which was right in their eyes.

Again, on April 27, 1865, Dr. Trimble brought the vexed Civil List and Crown Lands question before the House in a long series of resolutions, but after much discussion an adjournment was taken without coming to a vote. In June the colony broke away from its traditional free port policy, levying upon every head of cattle \$4.00; of calves, 50 cents; of horses, \$5.00; colts, \$1.00; of sheep and lambs, \$1.00; of pigs, \$1.50, and so on.<sup>71</sup>

About this time gold was discovered on Bear River, Clayoquot Sound, and in August, 1865, nearly two hundred miners sailed on the *Otter* for that place. Governor Kennedy used every influence to foster exploration of the island and exploitation of its supposed gold-fields. The expedition to Bear River returned precipitately, without testing the ground, without even being aware of its exact

<sup>69</sup> *British Columbian*, Jan. 21, 1865; Feb. 11, 1865; April 11, 1865.

<sup>70</sup> Confederation Papers, p. 24.

<sup>71</sup> *British Columbian*, April 29, 1865; June 27, 1865.





THE GUARD HOUSE, CARY CASTLE



VIEW OF CARY CASTLE



VIEW OF CARY CASTLE

locality, but, nevertheless, loud in condemnation of the Governor, in which some of the papers joined. Leech River continued to attract attention; one miner was reported to have taken out \$1,500 in two months; another claim was credited with yielding thirty-six ounces a week to six hands.<sup>72</sup>

In November, 1865, the Legislative Assembly resumed its labours. A petty squabble, which nevertheless casts light on the existing conditions, occurred during this session. While a bill for abolishing imprisonment for debt was being considered—an important measure in view of the increasing number of bankruptcies—Mr. Deans called attention to what he styled a flagrant breach of privilege in that Doctor Ash, another member, had sent to him, through the clerk, a notice demanding payment of an account and stating that unless the money were immediately paid he would bring the former's bankrupt condition to the attention of the House. The matter waxed warm, the discussion degenerated into personal abuse and mutual recrimination, ending in a disgraceful altercation. Finally a committee was appointed to investigate and Mr. Deans was afterwards unseated on petition as being bankrupt.<sup>73</sup>

The estimates, submitted by the Governor, for 1866, showed an expected revenue of \$206,376 and an expenditure of \$246,360. Of the latter, \$113,000—about three-fifths of the whole and more than one-half of the income—was absorbed by official salaries, \$52,465 for overdraft at the Bank of British North America, \$17,200 for conveyance of mails, and only \$8,300 for public works. The feeling between the people and the Governor is indicated by the advice given by the *Chronicle*: to refuse the supply item by item and let the public service take care of itself, until the people should obtain the power to deal with the whole matter. A pretty condition of things, surely! When the House set itself to work to cut, carve, and hew to pieces the proposed estimates, rumors became current that the Governor would meet the situation by a dissolution. A public meeting, called by the Mayor to sustain the House in its measures of retrenchment, resolved that the right to originate money bills was in it and not in the Governor.<sup>74</sup>

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<sup>72</sup> *British Columbian*, Aug. 17, 24, 29, 1865.

<sup>73</sup> *Id.*, Dec. 13, 1865.

<sup>74</sup> *Id.*, Jan. 3, 1866; Jan. 22, 1866; Feb. 3, 1866.



Other matters besides the war-to-the-knife struggle with the Governor occupied the time of the Assembly. The discussion upon the bill authorizing the Government to redeem certain real estate sold for taxes during the preceding year gave rise to an extraordinary scene. It appears that a majority were in favour of the measure, and to expedite its passage the rules were suspended. But it was defeated by Mr. Leonard McClure, who spoke against time, commencing at 3 o'clock on the afternoon of April 23rd and speaking continuously till 9 o'clock on the morning of the 24th. He read articles and referred to all sorts of matters not germane to the question, claiming that the rules having been suspended, there was no procedure governing the House. In spite of cat-calls, howls, and interruptions he held the floor for those eighteen hours, without rest, or intermission, or relief of any kind. 'This is probably one of the greatest achievements of its kind on record. The twelve months during which the property was redeemable expired before Mr. McClure's speech, and he thus succeeded in defeating an ill-advised measure. The *Chronicle* closed its report of the incident as follows: "The House was still in session at 2:30 o'clock, and Mr. McClure was on his 'pins' with a resolution in one hand and a glass of port in the other." <sup>75</sup> It is said that this oratorical effort weakened his constitution and brought him to an untimely grave.<sup>76</sup>

During May and June, 1866, owing to two seats being vacant (Salt Spring and Esquimalt town), no quorum could be obtained for the greater part of the time, and the business of the House was practically at a standstill.

A deadlock now occurred between the Governor and the House. It commenced with a demand by the latter for a return of the expenditure of the moneys derived from sales of Crown lands in 1864-5. This the Governor refused, inasmuch as the Legislature, not having acceded to the Duke of Newcastle's Civil List, had no rights in the matter, as those lands were therefore not transferred to the colony. The House then met in secret session to consider Doctor Tolmie's motion upon the state of the colony. The result of their deliberations was that union, immediate union, with British Columbia, was the

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<sup>75</sup> *British Columbian*, April 25, 1866.

<sup>76</sup> Higgins's *The Passing of a Race*, p. 53, et seq.

panacea, that \$2,000 per annum was the utmost salary that the colony could afford to pay a Governor, and that these resolutions should be telegraphed forthwith to the Secretary of State for the Colonies. The Governor declined to follow this unusual course, without, at least, first submitting them to the Legislative Council. The House then angrily resolved that the Speaker forward them by telegraph. Hard upon this difficulty came a resolution proposed by Doctor Dickson praying for the removal of Governor Kennedy. After some discussion, it was withdrawn upon the understanding that it would be re-presented later in the session.<sup>77</sup>

In order to carry on the Government, the Governor had, during 1865-6, borrowed, without authority, some \$80,000, at twelve per cent, from the Bank of British North America. This was simply the result of the estimates of 1865 showing a deficit on their face. Of this amount, about \$20,000 had been utilized to pay interest, at six per cent, due upon a preceding loan, over \$40,000 had been devoted to the purchase and repair of Cary Castle, and the remainder had been applied to liquidate, under resolution of the House itself, some pressing indebtedness of the city of Victoria.<sup>78</sup> On May 21st the Assembly called for a return covering these loans and showing by what authority the Governor had negotiated them. The bank took alarm and refused further advances, evidently fearing that in its hostile mood it might repudiate his action. This brought on an intolerable condition. Though the House had been in session since the preceding November, so much time had been wasted in useless discussions that the bank's action found it unprepared, and precipitated a crisis. The estimates had been before it for more than five months, but no Supply Bill had been passed, nor ways and means provided for the necessary current expenditure and liabilities. Payment stopped at the Treasury; the public creditors clamoured for their money, for in the financial stringency of the time they had confidently relied upon that source; the Government officials were unpaid for two months—all because of the ill-feeling which had arisen. Every one soon saw that the Governor's action must be approved; a bill was introduced and carried through as quickly

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<sup>77</sup> *British Columbian*, June 20, 23, 1866.

<sup>78</sup> Union Papers, pt. 3, p. 7.

Vol. II—14

as possible, authorizing a loan of \$90,000 at twelve per cent to liquidate the debt due the bank and to aid the revenue.

Towards the end of July, Mr. Leonard McClure, one of the members for Victoria City, after observing that "The Governor has lately given a proof of his contempt for the House by refusing to allow a salaried officer to appear before a committee to give evidence, and, instead of following out the well-understood wishes of the people, he has taken up a hostile position against the popular branch of the Legislature, and, after exercising the greatest forbearance, it now becomes a duty the House owes to its constituents to express its utter want of confidence in the Governor," moved a lengthy resolution. Its concluding clauses were:

"The House is reluctantly compelled, after much patience and forbearance, to declare that His Excellency, Governor Kennedy, is acting in a hostile manner to the best interests of the country.

"That he has declined and does persistently decline to impart to the Assembly necessary information on matters connected with the public departments and with the expenditure of the public money.

"That he obstructs the efforts of the Assembly to reduce the expenses of Government, which are far beyond the capacity of the inhabitants to bear.

"That he refuses to permit public officers to appear before a Select Committee of the Assembly to give evidence as to the working and management of their departments.

"That he endeavors by unjustifiable statements to place the Assembly in a false and undignified position before Her Majesty's Government.

"That His Excellency's management of the Crown lands has been most injurious to the immigrant and aboriginal population of the colony.

"In view of these facts the House cannot, in justice to itself, to the colony, and to Imperial interests, refrain from expressing its utter want of confidence in His Excellency, Governor Kennedy, and his official advisers, and the absolute necessity there is for their removal, believing that so long as the present administration lasts the colony will continue to suffer by the gradual exodus of its population, and Imperial interests will continue to be affected in an

injurious manner by the prejudice which the present Government has created against British institutions in the North Pacific."<sup>79</sup>

On July 25th this resolution was adopted and held as a sort of Damocles's sword above the Governor's head, in the expectation that a proposition then being brought forward for the formation of a "Ministerial Council" would be adopted, and upon his concurrence or non-concurrence therewith, would depend the fall, or otherwise, of this deadly political weapon. The existing Upper House, composed of five officials and three popular members, was regarded as merely an obstruction, aiding the Governor in thwarting the will of the Assembly, and was charged with acting in direct antagonism, throwing out, session after session, measures which the public interest demanded. The resolution for creating a responsible or, as it was called, Ministerial Council, was, very strangely, defeated, and on August 7th, it was resolved nevertheless to send forward the want of confidence resolution.<sup>80</sup> Perhaps the news of the introduction into the Imperial House of Commons on June 11, 1866, of the bill for the union of the two colonies may have had some bearing on this, otherwise, surprising result. In transmitting the resolution, the Governor, referring to the above quoted clauses only said: "The Assembly, judged by its proceedings alone, cannot appear in a dignified light."<sup>81</sup>

The House now took up the estimates, in which very great alterations and reductions were made. Clerical assistance to the Governor, the Attorney-General, and the Treasurer was refused; the Colonial Secretary's staff was reduced to one clerk. It refused to allow the Attorney-General anything but his salary, though the Duke of Newcastle had laid it down that he should also be entitled to practice. No provision was made for the salaries of the Registrar-General, or the Assessor, or for janitors for various offices, or for charitable allowances, or for contingent expenses in the administration of justice, or for police service in Nanaimo and Esquimalt. The Governor took umbrage at this. He pointed out that the reduction of the Colonial Secretary's assistance to one clerk, who was also Clerk of the Legislative Council, would mean the closing of this office for the greater part of the year, as the Legislature used

<sup>79</sup> Union Papers, pt. 3, p. 24.

<sup>80</sup> Union Papers, pt. 3, p. 17.

<sup>81</sup> *Id.*, p. 20.



then to sit for seven or eight months; that the proposed reduction of the Treasurer's salary by forty per cent was a breach of faith; and that the refusal of a clerk to him would necessitate a similar closing of his office. The House answered brusquely that this could be overcome by the Legislative Council meeting after office hours, or alternatively the officials could attend to their official duties and leave the Legislative duties to the unofficial members. When the Governor intimated that, without a private secretary, communications with the Assembly would cease unless by personal interview with the Speaker, the House replied that it would not allow the Speaker to be made the medium of communication, and insisted on written answers. Referring to the abolition of the janitors the Governor suggested that the result would be that the Colonial Secretary, the Treasurer, and the Surveyor-General must perform such services for themselves; to which came the response that if they did not wish to do so they could occupy the general Government office instead of separate premises. The House wished the public accounts audited by its clerk; the Governor refused and ordered that the acting Colonial Secretary should perform this duty. The Governor complained that the \$250 allowed for stationery had been already expended; the House regretted that this "liberal sum" had been so soon exhausted, but promised a further grant, hoping that the "strictest economy" would be exercised in its use. When the Governor complained of the refusal to provide police for Esquimalt and Nanaimo the House said that the services of such persons were but seldom required, and on those rare occasions the Executive could detach some other police officer for the duty. So the game of "snub" went on, in which the actions of neither appear in an enviable light. Each side stubbornly stood its ground.<sup>82</sup> It would be tiresome to enter into all the matters—trivial and otherwise—of dispute in this connection, but the foregoing will show that in the mood of the parties nothing was too great or too small to furnish a subject of difference and an occasion of recrimination. In the result the amended supply voted by the House was accepted by the Legislative Council as a whole, but the schedule showing how the sums were to be used was struck out, thus reserving to the Executive the apportionment of the vote to such services as it deemed proper.<sup>83</sup>

<sup>82</sup> Union Papers, pt. 3, p. 17, et seq.

<sup>83</sup> *British Columbian*, Sept. 1, 1866.

How far this unpleasantness, this undignified wrangle, would have continued, or what its end might have been, is impossible to determine. Fortunately for the colony, and perhaps for all concerned, the decision of the Home Government to unite the two colonies becoming known just when the situation had reached this tense condition, the dispute was by mutual consent allowed to die. The terms of the Union Act, whereby the form of Government proposed for the united colonies was to be that prevailing in British Columbia, now engrossed the attention of the people of Vancouver Island, not only in the Legislative Assembly, but in the press and in the public meetings. A further question which rose above the political horizon as a consequence of the proposed union was the location of the capital. Behind these two subjects the dispute with Governor Kennedy was lost to view.

This leads to a consideration of the agitation for union, the circumstances of the colonies and the divergent opinions upon the matter.



## CHAPTER XIII

### THE UNION OF BRITISH COLUMBIA AND VANCOUVER ISLAND

1866

When, owing to the pressure brought to bear upon the Duke of Newcastle, he had in the fall of 1863 consented to a complete separation of the two colonies, he had, as he stated in his Despatch, only yielded in deference to the strong local feeling, while he, himself, entertained the settled conviction that the well-being of the colonies and the larger interests of the nation alike required complete union.<sup>84</sup>

The separate Governors had no sooner taken office than the question of union was placed before them by the Secretary of State. Writing to Governor Kennedy on April 30, 1864, the Right Hon. Edward Cardwell said: "Besides the Civil List, Sir James Douglas's Despatch raises a still larger and more important question, namely, the union of both colonies under one Governor, though with some distinct administrative department. On this subject I am desirous of having the benefit of your views as soon as you shall have acquired on the spot sufficient knowledge and experience to enable you to form your opinion, and to supply reliable information for the assistance and guidance of Her Majesty's Government in considering the question. I shall, in like manner, ask Governor Seymour, to whom I shall communicate a copy of this Despatch, to furnish his views on the same matter, and I need scarcely say that it will not only be unobjectionable but highly desirable, that you and he should consult freely on the subject, although it will be the most convenient course that, ultimately, each should report to me independently, the conclusions which he may form on the subject."<sup>85</sup>

Governor Seymour arrived in British Columbia on April 20, 1864, and hardly had the ebullitions of joy at his advent and the

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<sup>84</sup> Union Papers, pt. I, p. 2.

<sup>85</sup> Union Papers, pt. I, p. 6.



complete severance from Vancouver Island subsided, before the Legislative Council, which was then in session, on the motion of the Hon. James Orr, the member for Cariboo East, seconded by the Hon. A. W. S. Black, the member for Cariboo West, unanimously passed the following resolution: "That in the opinion of this Council, representing as it does the unanimous opinion of the people of this colony, the union of British Columbia and Vancouver Island would be detrimental to the best interests of both colonies, and that His Excellency, the Governor, be respectfully requested to forward a copy of this resolution to Her Majesty's Principal Secretary of State for the Colonies."<sup>86</sup> In closing the session, Governor Seymour referred to this resolution "protesting against any union," saying: "I shall forward that resolution to His Grace the Secretary of State and strongly express my opinion that British Columbia has grown too large for a return to the old system to be possible. Whether union under other conditions might hereafter be acceptable, I am at present unable to say. I would, however, observe that from my short experience, I am inclined to think that an efficient administration of the affairs of British Columbia alone would be sufficient to engross the attention of a Governor."<sup>87</sup> At the opening of the first session of the second Legislative Council on the mainland, in December, 1864, Governor Seymour stated that it would be better for Imperial interests if Great Britain were represented by only one Governor west of the Rockies, but that he did "not see at present how British Columbia would gain by the suggested change, and was rather disposed to think that a longer separation was necessary before a satisfactory reunion could take place."<sup>88</sup> The Legislative Council replied that they could see no reason for changing the opinion deliberately and unanimously expressed at the last session, "that an union with the neighboring colony would be inexpedient and disadvantageous to British Columbia, a view in which we are glad to see Your Excellency concurs."<sup>89</sup>

Let us turn now to view the actions of the legislative bodies on Vancouver Island. Before Governor Kennedy's arrival, the House of Assembly, in refusing to accept the Duke of Newcastle's Civil

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<sup>86</sup> *British Columbian*, May 4, 1864.

<sup>87</sup> Governor Seymour's Speech, May 4, 1864.

<sup>88</sup> *British Columbian*, Dec. 12, 1864.

<sup>89</sup> *British Columbian*, Dec. 21, 1864.

List, had passed a resolution asserting that an absolute separation of the colonies would prove injurious to both, and that amalgamation was at present unadvisable, if not impossible, yet some sort of connection by which one Governor, one Colonial Secretary, one Surveyor-General, and one Auditor-General would act for both was necessary.<sup>90</sup> Mr. DeCosmos, one of the members for Victoria, kept the question of union prominently before the people in the House and in the columns of the *Colonist*, of which he was then editor, dwelling on it in season and out of season. In proroguing the House in July, 1864, Governor Kennedy dealt with this resolution, stating that union would require the consent of both parties, and that to effect it mutual concessions must be made, that personal predilections and prejudices must be laid aside, and a practicable and equitable basis proposed. When the House reassembled in September following, the first question alluded to was that of union. Mr. DeCosmos introduced the subject shortly afterwards, and it was debated at length by himself, Dr. Helmcken, Mr. Street, and Mr. Southgate, but the only result was to bring into prominence the great divergence of views as to the conditions under which it should come into being.<sup>91</sup> The chief stumbling block was that Vancouver Island was a free trade colony, while British Columbia was under protection. Nevertheless, the debate cleared the air, somewhat, and in January, 1865, Mr. DeCosmos brought forward a resolution, which, after reciting that the strictest economy must be observed in the public expenditure, proceeded: "And that the immediate union of this colony with British Columbia, under such constitution as Her Majesty's Government may be pleased to grant, is the means best adapted to prevent permanent causes of depression, as well as to stimulate trade, foster industry, develop our resources, augment our population, and insure our permanent prosperity; and that this House pledges itself in case Her Majesty's Government shall grant such union to ratify the same by legislation, if required."<sup>92</sup> After a two days' debate, this resolution was carried by a vote of eight to four. The minority thereupon alleged that the majority did not fairly represent public opinion, and to test this fact Mr. DeCosmos, who supported, and Mr. C. B. Young, who opposed, the resolution,

<sup>90</sup> *British Columbian*, May 7, 1864.

<sup>91</sup> *British Columbian*, Sept. 17, 1864; Oct. 12, 1864.

<sup>92</sup> Union Papers, pt. 1, p. 6.

resigned their seats and went to the people. The contest was very warm and excited great interest. The free-port party even went to the extent of buying out the *Evening Express*, an opposition paper, for \$6,000 and amalgamating it with the *Vancouver Times*, and, by a payment of \$3,000, inducing Mr. McMillan, the editor of the *Chronicle*, to retire from that position in order that a successor in sympathy with their views might be selected.<sup>93</sup> So were elections fought in the brave days of old. The result was the defeat of Mr. Young and the return of Mr. DeCosmos and Mr. Leonard McClure, both advocates of union and a tariff, by a large majority. When a similar motion was introduced into the Legislative Council, as the Upper House on Vancouver Island was called, on March 2, 1865, the Treasurer offered the following amendment: "That this Council regards it as undesirable to express an opinion as to the expediency, or otherwise, of uniting the colonies of Vancouver Island and British Columbia." The amendment was carried, the official members present, viz., the Acting Colonial Secretary, the Acting Attorney-General, the Treasurer, and the Acting Surveyor-General, voting in its favour, the Hon. R. Finlayson and the Hon. H. Rhodes, the only unofficial members voting against it.<sup>94</sup> In transmitting these proceedings Governor Kennedy expressed himself as favouring union unconditionally. At the same time the Chamber of Commerce of Victoria passed a resolution that an equitable union of the colonies at an early date was essential to the maintenance of Imperial and local interests, but that, nevertheless, the interests of the two colonies, whether united or separate, would be best maintained by the preservation on Vancouver Island, of the free trade policy.<sup>95</sup> Attached to this resolution was a long account of conditions existing in the colonies and a bitter complaint against the Tariff Act of British Columbia, already mentioned. This document brought forth an even longer reply from Governor Seymour of the mainland, who vigorously combatted its assertions and its deductions.<sup>96</sup>

A consideration of the circumstances of the past seven years will, perhaps, throw light on the subject now under discussion. When the discovery of gold on the Fraser brought that inundating

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<sup>93</sup> *British Columbian*, Feb. 18, 1865.

<sup>94</sup> Union Papers, pt. 1, p. 7.

<sup>95</sup> Id., p. 13.

<sup>96</sup> Id., p. 20.

immigration of impetuous gold-seekers, Victoria was the only town in existence near the mining region. All vessels for Fraser River were for years allowed to enter and clear there. There the miners obtained their licenses, their supplies, and made their connections with the river steamers when they began to run. After the discovery of Cariboo, the miners were fed and supplied from Victoria, the Tariff Act of Governor Douglas aiding as already explained. Driven from their work by the rigorous northern winters, the miners spent in the more genial climate of Victoria the money made in the mines of the mainland. There were no large settlements in British Columbia; it was a colony in name only. There was a gold mine at one end of a line of road, as Governor Seymour expressed it, and a sea-port town under a different government at the other. The burden of heavy taxation, caused in part by the construction of the road to the mines, was borne by the mainland, while the island reaped the benefits of the miners' success. Victoria really depended for its continued and prosperous existence upon the mainland mines. Then, too, the officials of British Columbia drew their salaries from mainland taxation, but spent them on the island, where their homes were, contributing nothing whatever towards the support of the colony. Separation was asked for and obtained. Immediately the mainland set itself to the task of encouraging foreign vessels to bring their cargoes within its bounds, and unquestionably endeavored, by means of the Tariff Act, 1865, to stimulate trade with the larger markets of the world, by eliminating the advantage in duties which, theretofore, under Governor Douglas's Tariff Act, had obtained on purchases in Victoria. An intense animosity, which had smouldered previously, now burned fiercely and openly. It was mutual. When, for example, the volunteers for the Chilcotin war were taken to Victoria to be transferred to H. M. S. *Sutlej*, some of them were arrested there. This was regarded as a gratuitous insult and as indicating a desire to embarrass the Government in a very important undertaking. On the other hand, when the island colony, through Governor Kennedy, tendered assistance in quelling that disturbance it was rejected.<sup>97</sup>

But material considerations also entered into the question. Cariboo was found, by the end of 1863, not to be a "poor man's diggings,"

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<sup>97</sup> British Columbia Directory, 1868, p. 16.



not competent, therefore, to support a large population. Business diminished, although Victoria retained the principal part. Roadside houses became bankrupt as traffic decreased by lessened immigration and accelerated travelling. This had its effect on both colonies, but chiefly upon the island as the largest creditor. Further, Vancouver Island, having to pay all her own officials, no longer able to have her work done for small remuneration by the officials of the sister colony, with diminished resources in every way, from which to draw the funds, owing to decreased business and altered conditions, and "Her Executive," says Mallandaine, "no longer being able to divert for her benefit a portion of revenue from the sister colony, to which she was fully entitled as a part of a prosperous whole,"<sup>98</sup> prayed for economy and a return to the old state. The inimical feeling and legislation of the mainland, in addition to other evils, affected the *morale* of Vancouver Island. Depression, serious depression, set in. Her Legislature, it may almost be said, in a fit of despair at the turn things were taking, prayed earnestly, prayed repeatedly, for union of the colonies to stop the ruin which all saw approaching.<sup>99</sup> It was now bitterly realized that the gigantic effort to overturn the unalterable law and build cities of traders and speculators without a country population to support them had proved a gigantic failure. It was an attempt to found colonies on sand—though that sand was golden. If, instead of a man here and there, a suitable proportion of the immigrants had turned their attention to farming and stock-raising, conditions would have been different. The lesson taught by the dark years 1865-1870, was the old one—"Back to the land"—and with the commencement of that movement came the first sign of morning breaking.

In December, 1865, the Legislative Assembly of the island passed another union resolution "endorsing" that of the preceding January.<sup>1</sup> Again in June, 1866, when rumors were flying that union, but with a Legislative Council, had been settled upon, that body passed another resolution, "that nothing short of the immediate union of Vancouver Island with British Columbia under a constitution apportioning representation according to population, and giving to the people's representatives control over the mode and amount of

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<sup>98</sup> British Columbia Directory, 1868, p. 18.

<sup>99</sup> Id., p. 19.

<sup>1</sup> Union Papers, pt. 1, p. 33.

taxation and expenditure, can stay the rapid decline of both countries and restore the confidence of the public.”<sup>2</sup> When this document was placed before the Upper House they passed a non-committal resolution, stating that it was “highly expedient that the final decision of Her Majesty’s Government on that subject should be obtained and communicated with as little delay as possible.”

During this time Governor Seymour was absent from British Columbia. Leaving the colony in August, 1865, he married, on January 27, 1866, Miss Stapleton, daughter of the Honorable and Reverend Sir Francis Stapleton of Grey’s Court, Oxford. While on his wedding tour he wrote from Paris his celebrated Despatch, a document abnormally lengthy even for him.<sup>3</sup> He took the ground that, viewing the question from British Columbia’s standpoint, union was both undesirable and undesired; but looking at it from the broader plane of Imperial interests it was necessary to strengthen British authority, British influence, and British power on the Pacific. In the event of a union being decided upon by the Home Authorities, he drew up a plan of representation, and advised that the country was not ripe for complete representative government, but that some form of Legislative Council similar to that existing on the mainland should be extended over the united colony, and that, of course, the tariff of British Columbia should apply to the new colony. He also mentioned that union would raise a question of great local interest—the location of the capital—and expressed the opinion that it should be New Westminster, subject to the possibility of some more inland and central site being selected in the future. His views, as a whole, met with approval in the Colonial Office; indeed, Governor Seymour always exercised considerable influence in Downing Street, and his opinions when he expressed them (which was rarely enough) carried great weight.

As soon as it was known to the Legislature of Vancouver Island that union would take place, but not with the complete representative government which that colony enjoyed, another resolution was passed on August 13, 1866, rescinding that portion of the resolution of January, 1865, which had intimated that they would gladly accept any constitution that Her Majesty should grant. This move was

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<sup>2</sup> Union Papers, pt. 3, pp. 4, 5.

<sup>3</sup> Id., pt. 1, pp. 34-42.

fruitless, except possibly to show the vacillation of that body, for the Act of Union had been assented to on August 6th.

Union had come. Suddenly, unexpectedly. For once, Downing Street had acted with celerity.

The causes impelling this action will now be considered. It has been shown that during 1865 and 1866 the Legislative Assembly of Vancouver Island had been constantly urging, and the Legislative Council of the mainland as constantly opposing, it. In justice, it should be added, as the Honorable A. N. Birch had stated, that the majority of the inhabitants of the upper country cared little whether there was union or continued separation.<sup>4</sup> But financial considerations are dominating factors in politics. The condition on Vancouver Island, as already shown, was one of deep depression—in fact, of bankruptcy. When, in May, 1866, the Bank of British North America refused further advances, public officials and public accounts remained unpaid, and the credit of the colony was seriously impaired. The following letter is instructive:

“Queen’s Market, Wharf Street, Victoria, V. I.,

“July 3, 1863.

“Sir:

“A second month’s account has now become due to us for supplies to the lighthouse, and there is no apparent prospect of the same being early liquidated. As we have to pay cash for the same, and the remuneration not being adequate to our giving credit, we beg you will be kind enough to make known to us (at your earliest convenience) when we may depend on being paid before we send the quarterly rations now ordered for Friday next in advance.

“We have, etc.,

“(Signed) Hutchinson & Co.,

“per M. H. Myers.

“P. S. The two months now due is principally for supplies furnished on April 5th last. There is also a two months’ account against the Victoria gaol unpaid.

“To W. A. G. Young, Esq.,

“Colonial Secretary.”<sup>5</sup>

<sup>4</sup> Union Papers, pt. 2, p. 1.

<sup>5</sup> Union Papers, pt. 3, p. 26.

A situation which justified such a letter to a colonial government is grandly eloquent regarding financial conditions.

On the mainland, while the finances were in a better shape, owing, perhaps, to the kindly relations prevailing between Governor Seymour and the Legislative Council, they were, nevertheless, the subject of criticism by the Imperial Board of Treasury. It was pointed out that the revenue for 1864 was £104,865, the expenditure £160,350, leaving a deficit of £55,485 to be met out of the proceeds of the £100,000 loan of that year; that the credit had fallen so low that this loan only produced £93,931; that the overdraft at the Bank of British Columbia on January 1, 1865, was £27,209, and a year later was £33,675; that the estimated income was invariably too high, and that the expenditure had continued at a rate out of all proportion to the actual revenue. The Hon. A. N. Birch, in the absence of Governor Seymour, the Administrator of the colony, was consequently instructed "that the expenditure must be reduced to such an amount as may be covered by a revenue calculated on the actual average receipts of the last two years, and that any further large expenditure on new roads and works of that nature must be postponed until the resources of the colony will admit of their being undertaken with less pressure on its finances."<sup>6</sup>

When it is remembered that the total population of British Columbia, exclusive of Indians, was less than eight thousand, and of this small number a mere fraction were permanent residents, the immense load of officials with which the colony had been burdened will clearly appear. The estimates of 1866 showed a Colonial Secretary, three clerks, and a messenger; a Treasurer, three clerks, and a messenger; a Chief Commissioner of Lands and Works, an Assistant Surveyor-General, two clerks, a draughtsman, and a messenger; an Inspector of Steam Vessels; a Collector of Customs, two clerks, and a messenger, four officers, and two boatmen; a Registrar-General; a Harbour-Master; a Postmaster-General and clerk; a Judge of the Supreme Court and Registrar; an Attorney-General and clerk; a Superintendent of Printing and three assistants; a Superintendent of Assaying and a melter; and an Auditor-General and clerk. The salaries of these officials, with those of the Governor, his private secretary, and messenger, amounted to almost \$100,000, but

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<sup>6</sup> Union Papers, pt. 3, p. 42.



when to that amount was added the salaries of the Gold Commissioner, six Assistant Gold Commissioners, and the host of clerks, constables, and toll collectors all over the colony, the grand total reached the sum of about \$162,000.<sup>7</sup> And this, too, after the Hon. Mr. Birch had reduced the establishments by \$30,000.<sup>8</sup> Even then he admitted that the Treasury Department, the Postmaster-General, and the Harbour-Master could be united with other departments, without injuring the efficiency of the public service, thereby effecting a further reduction of about \$14,000.<sup>9</sup> The estimates for 1866, over and above this immense outlay for necessary and unnecessary officials, included: interest, \$66,630; sinking fund, \$42,437; temporary loan, \$170,000; redemption of road bonds, \$20,612. These amounts, with the salary list, left barely \$140,000 to provide for the real duties of the Government.

The cry of the mainland, as of the island, was for retrenchment in every way compatible with efficiency, and especially in the "bloated Civil List." During the session of 1866 the Administrator of the Government was urged to the most rigid economy in offices essential to the public peace and convenience and the abolition of every official that could possibly be spared, chiefly that the Government might be in a position to abolish the Road Tolls, either in whole or in part, and the Tonnage Dues upon the lower Fraser, and thereby ease the trade of the interior and more especially that portion of it which it was anticipated would find its way into the new mines of the Big Bend and Bridge River. But as the popular members were only five of the fifteen, and as the remainder were some of the very persons whose salaries and positions were being attacked, progress in retrenchment was as slow on the mainland as on the island. As an instance of the way in which salaries had been increasing: the magistrates at Lytton and Lillooet, who had received £250 in 1860, received in 1865, £550.<sup>10</sup> The reductions above mentioned were the result of the pressure of the Colonial Office. To add to the financial difficulties, the Bank of British Columbia intimated, in May, 1866, that the temporary loan could not be increased and must be repaid

<sup>7</sup> Estimates, 1866, in *British Columbian*, Feb. 10, 1866.

<sup>8</sup> Speech, Jan. 18, 1866, in *British Columbian*, Jan. 20, 1866.

<sup>9</sup> Union Papers, pt. 3, p. 16.

<sup>10</sup> *British Columbian*, Aug. 5, 1865.

with all possible haste.<sup>11</sup> This inability to run further into debt, was, perhaps, even more effectual than the stand taken by the Secretary of State.

The same burden of officials was borne by Vancouver Island, where the demand for retrenchment led to an acrimonious discussion and brought about the strained relations between Governor Kennedy and the Legislature which have been described in the preceding chapter. Donald Fraser, well known as the writer of letters to the London *Times*, thus describes conditions in Victoria: "In Victoria I find the population reduced; a large proportion of buildings of every class unoccupied; the rents of such as are occupied lowered in amount and many in arrear; real property sunk to a nominal value and unsaleable, except in a few exceptional cases—so few that I cannot learn of any *bona fide* sale at any price; trade dull and diminished in amount. One of the largest houses has closed its business; bankruptcies numerous and skedaddlers (the modern euphuism for fugitive debtors) abundant; money scarce and the employment of labour limited. Nothing flourishing or buoyant but taxation and Government expenditure—much of the latter on unproductive objects and the former finding its reluctant way into the Treasury only under the coercive process of forced sales of real property by the Sheriff for delinquent taxes."<sup>12</sup> Almost every word of this description is applicable to the conditions on the mainland.

Both the colonies were overburdened with debt. The subjoined statement shows the particulars, exclusive of current liabilities:

*Vancouver Island*

Road and Harbour Act, 1862.....	\$194,000
Temporary Loan Act, 1866.....	70,000
Due to Crown Fund Account.....	13,000
Temporary Loan .....	8,000
Due to the Imperial Government on account of Light-houses .....	30,298
Mail Steamer Subsidy, due <i>Active</i> .....	15,000
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	\$330,298
Sinking Fund Investments .....	36,600
Net Indebtedness .....	<hr/>
	\$293,698

<sup>11</sup> *British Columbian*, May 20, 1866.

<sup>12</sup> Letter, Jan. 24, 1866.  
Vol. II—15

## BRITISH COLUMBIA

*British Columbia*

Road Loans, 1862, 1863, and 1864.....	\$ 970,000
Temporary Loans .....	166,983
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	\$1,136,983
Sinking Fund Investments .....	134,000
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Net Indebtedness .....	\$1,002,983 <sup>13</sup>

Burdened with this debt and these officials, the two petty colonies, which together could not muster more than eleven or twelve thousand inhabitants, were staggering along under a load of taxation which amounted to about £19 per head. Despite their local jealousies, Imperial interests, and an even stronger force, imperious financial necessity, required that a population less than that of a second-rate town should cease to have two Governors, two Chief Justices, two Colonial Secretaries, two Attorneys-General, and so on down the list.

The bill for the union, as introduced into the Imperial House, contained a clause that, after the adoption by the Legislative bodies of the two colonies of an address in favour of union, the Governor should proclaim the act.<sup>14</sup> The second reading was on the Orders for June 18, 1866; but just then the Government of Lord John Russell was tottering to its fall. The combination of "Adullamites" and Conservatives against his Reform Bill was gradually overpowering him, and late in June the inevitable happened. Lord Derby's ministry was formed on July 9th, with Lord Carnarvon as Secretary of State for the Colonies.<sup>15</sup> This change in the administration, the financial crisis in England, the cattle plague, and the declaration by Austria of war against Prussia and Italy temporarily hid from sight the affairs of these far-away colonies.<sup>16</sup> The Union Act obtained its second reading on July 27th. In Committee, the clause above mentioned, which could only have had the result of further protracting the sectional troubles and lengthening the period of uncertainty, was

<sup>13</sup> Journal's Legislative Council, 1867, app., p. xvii; *Islander*, April 7, 1867.

<sup>14</sup> See Draft Bill in *British Columbian*, Aug. 4, 1866.

<sup>15</sup> McCarthy, *History of Our Own Times*, chaps. 50 and 51.

<sup>16</sup> Lord Russell's *Recollections*, p. 237, et seq.

struck out. The bill as amended passed its third reading on July 30th, and received the Royal assent on August 6, 1866.

The influence of Governor Seymour in the Colonial Office readily appears from a comparison of this act with his celebrated Paris letter, from which it is plain that the act adopts, in great part, his views. It provided that upon its proclamation by the Governor of British Columbia, the Colony of Vancouver Island should be united to British Columbia, and thenceforth the united colonies should be known as the Colony of British Columbia; the Executive Government and the Legislative Council of British Columbia, now increased from fifteen to twenty-three, should be extended over Vancouver Island;<sup>17</sup> the laws of each colony should remain until altered by the enlarged legislative body; but those relating to the revenue of customs in force in British Columbia should apply to the whole united colony.

Immediately upon its passage, Governor Seymour prepared to return to the colony. Governor Kennedy, very gladly we may believe, arranged to leave Vancouver Island, where he had spent a most unpleasant two years and a half. In one of his latest Despatches to the Secretary of State for the Colonies he had said: "I do not deem it necessary to occupy your time with any comments upon the value of 'Representative Government' as practised in this colony. The experience of the last two years may, I think, be taken as a fair criterion in regard to the future."<sup>18</sup> On October 23, 1866, having appointed the Colonial Secretary W. A. G. Young as Administrator of the Government, Governor Kennedy returned to England. He was knighted in 1868, and held successively the positions of Governor of the West African Settlements, of Hong Kong (1872), and of Queensland (1877). While returning from Australia to England, he died off Aden on June 13, 1883.<sup>19</sup>

Governor Seymour landed in Victoria on November 7, 1866. It can readily be believed that he was, as he says, received by a large concourse of people with marked coldness, but no disrespect. The union for which their hearts had longed was embittered by the loss of their free port, the loss of their representative government, and the retention of Governor Seymour. While disliking Governor Kennedy, they were hostile to Governor Seymour, whom they re-

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<sup>17</sup> Appendix, British Columbia Statutes, 1871, No. 43.

<sup>18</sup> Union Papers, pt. 3, p. 26.

<sup>19</sup> Walbran's Place Names, p. 281.



garded as the champion of the mainland cause. This hostility was well known to him, and in replying to an address of eighty-two words, from the Mayor and citizens of Victoria—perhaps the shortest on record in this province—in which they stated their belief that he “desired the well-being of every portion of the colony,” he took the opportunity to remark that though fully aware that it was to their loyalty alone that he owed the address, yet he trusted that the time was not far distant when he might deserve some personal friendship at their hands.<sup>20</sup>

Reaching New Westminster, where he was warmly received, Governor Seymour took steps to issue the proclamation of the Act of Union. This document was read at noon on Monday, November 19th, by Sheriff Homer at New Westminster, and by Sheriff Adamson at Victoria. In the latter place some two hundred persons were present and salutes were fired by the ships of war at Esquimalt. The *British Columbian* of November 21, 1866, thus alludes to this historic ceremony at New Westminster: “A small knot of people gathered round the Sheriff, it is true; but even these were drawn together more from a vague impression that the proclamation might cast some light upon the intended programme of the Government than from any interest in the Act of Union itself. Indeed, a stranger might have experienced some difficulty in deciding from the general deportment of the assemblage, whether the Sheriff was discharging the unusual duty of proclaiming the banns between two colonies or the less pleasing one of reading a death warrant. Not a cheer was given, not a hat was raised; no smile of satisfaction lit up the public countenance, no congratulations were offered to either bride or bridegroom as the last words of the Sheriff-Parson were heard. The flag on the Hyack Engine House was run up as a signal to H. M. S. *Sparrowhawk* to fire a salute; but that was the act of the Government, not of the people. All this may appear strange to the distant reader; but to those acquainted with all the circumstances under which this *mariage de convenance* has been brought about by the ‘old folks’ in opposition to the wishes of the principal party to it, all appears plain and proper. But now that the deed is done, it will be wisdom to ‘let by-gones be by-gones,’ and put forth our best efforts to make the match a happy one—to sink, as far as possible, all those local and

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<sup>20</sup> Union Papers, pt. 3, p. 28.

party differences and jealousies which have sprung up during the eight years of our single bliss, and, looking upon the whole as one colony, which it is, and one united community, which it ought to be, seek to promote the best interests of British Columbia as a whole."



## CHAPTER XIV

### THE KOOTENAY AND THE BIG BEND EXCITEMENTS

1864-1866

Close to the foot of the Rocky Mountains and adjoining the United States frontier lay a portion of the colony—Kootenay, or as it was then sometimes spelled, Kootenais—severed from the remainder by mountain chains, impassable during half the year. To the southward the mines of Idaho, during 1862-3, were calling the adventurers. Boisé Basin was as well known as Cariboo. Rumors of gold beyond the 49th parallel reached the Idaho miners late in 1863. Indians exhibited samples in Spokane, and at once all were agog. The north always allured the miner. The mere remoteness, the inaccessibility of a region in some strange way charmed these men—indeed were in themselves accepted almost as evidence of rich mining country. In the spring of 1864, Stud Horse Creek, or as it was later named Wild Horse Creek, was on all lips. The only practicable means of access was from Lewiston, Idaho, or other suitable point in the United States, along the valley of the Kootenay and its tributaries to Joseph's Prairie (Cranbrook) and up the Kootenay to *the* creek, for in this excitement there was but one—Wild Horse Creek, which empties into the Kootenay near Fort Steele. Findlay Creek, fifty miles distant, did attract a few persons, but it was disappointing. In the summer of 1864 there were about a thousand, including miners, traders, and labourers on Wild Horse Creek, where a little town had sprung up, containing three restaurants, several stores, a brewery, saloons, and all the other usual appendages of a mining camp. The mines extended four and a half miles along the creek and consisted of about five hundred claims of a hundred feet each, including creek and bar. Being shallow diggings, from four to ten feet below the surface they yielded largely and immediately. The gold was found on the bed-rock, which was a blue slate, soft and easily worked.<sup>21</sup> The rocker and the sluice were in full swing. One hun-

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<sup>21</sup> O'Reilly's Letter, June 18, 1865, in *Cariboo Sentinel*.



dred rockers were at work that summer, averaging from two ounces to six ounces per day. In the mines employing from six to fifteen men the daily return varied from \$108 to \$1,044. Ordinary claims were yielding from \$20 to \$30 per day to the hand. A nugget, the largest found in the colony up to that time, weighing thirty-seven ounces and valued at \$666, was obtained on this creek in August. Pieces of gold, from one to nine ounces, were quite common. Labourers' wages were \$7 a day.

Mr. J. C. Haynes was appointed Gold Commissioner for the district. His treasury consisted of an old portmanteau which he jealously guarded night and day, in the log hut in which he lived. And well he might, for when Mr. A. N. Birch, the Colonial Secretary, visited Wild Horse in September, 1864, he took over from him some seventy-five pounds of gold, being about \$15,000.<sup>22</sup> To collect the customs duties on goods coming through the Bitter Root Valley, Mr. David McNaughton was appointed Customs Officer at Tobacco Plains. Food was plentiful in the camp from the very commencement and commanded the following prices: flour, 40 cents; bacon, \$1; beans, 50 cents; sugar, 70 cents; coffee, \$1; tea, \$2.25; beef, 30 cents; dried apples, 60 cents; butter, \$1.50; lard, 80 cents; tobacco, \$2.25; candles, 75 cents—all by the pound, of course. These supplies came entirely from the United States. They were packed in from Lewiston, Walla Walla, Wallula, and Umatilla Landing at the rate of 20 to 24 cents a pound. On his return from the creek, Mr. Birch reported meeting daily from ten to twelve heavily laden pack trains bound for the mines from these points. The beef cattle came all the way from Salt Lake City.

Naturally the merchants of the colony were loath to see the trade of these new mines monopolized by the United States, though geographically the natural source of supply. At their urgent request, Governor Seymour sent out, in the fall of 1864, an expedition under Mr. George Turner, late of the Royal Engineers, to explore a road to Kootenay. He proceeded by way of Lytton, Kamloops, the South Thompson, and Shuswap Lakes, and over the divide to the Columbia not far from *Dalles des Morts*—Death Rapids. Prospecting the bars of that river his party obtained from 2 to 5 cents a pan on all, and were thus the real pioneers of the Big Bend mining

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<sup>22</sup> Birch's Report in Macfie, p. 260.

region which created such an excitement during the following year.<sup>23</sup> Owing to the lack of provisions they failed to reach the Kootenay. About the same time another expedition, under Mr. J. J. Jenkins, was sent out to try for a route from Hope. Following the Dewdney trail, he located a line by way of Princeton, Similkameen, Osoyoos Lake, Rock Creek, and Kettle River to the Columbia near the mouth of the Kootenay River and thence down St. Mary's River. Following this report Governor Seymour determined to build a trail from the terminus of the Dewdney trail to Wild Horse Creek, and £30,000 was placed in the estimates of 1865 for making roads and trails towards Kootenay and the Big Bend of the Columbia River.<sup>24</sup>

Early in the spring of 1865, the construction of this trail was undertaken by Mr. Edgar Dewdney, afterwards Lieutenant-Governor Dewdney. The completed trail, commenced at Princeton, where the Dewdney trail of 1860 ended. Thence it followed the Similkameen, passing by the site of the present Keremeos; from that point it went on to Rock Creek, the scene of considerable gold mining activity in 1860 and 1861, as has been already mentioned. Reaching the Kettle River it kept to the valley until Midway was reached, thence up Boundary Creek to Grand Forks, past Christina Lake to the headwaters of Sheep Creek and across to the Columbia River near Trail; then down the Columbia to Fort Shepherd, and so on by way of Moyie and Cranbrook to Wild Horse Creek. The work which had been begun in the early spring was completed before the middle of September at a cost of about \$74,000. Here, as in the case of the Cariboo road, a great deal of the actual labour of construction was done by the much despised Chinese, for the Europeans, as a whole, were so engrossed with the desire to become rich quickly in the lottery of gold mining, that, unless driven by sheer necessity, they spurned the slow accumulation of money by wage-earning. About the middle of September pack trains were thus enabled to make the trip from Fort Hope to the Kootenay diggings across British territory.<sup>25</sup> But the season was too far advanced to bring the route into much prominence in 1865, and the American mer-

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<sup>23</sup> Turner's Report, Jan. 2, 1865.

<sup>24</sup> *British Columbian*, Jan. 28, 1865.

<sup>25</sup> Dewdney's Reminiscences in *Vancouver Province*, Nov. 14, 21, 1908.

chants held the trade of Kootenay during that season. And when 1866 opened, the changeful crowd had deserted Wild Horse.

During the winter of 1864 some four hundred miners remained on the creek and considerable mining went on. It was confidently expected that the next summer would see a rush of ten thousand miners from the Boisé region. But in the interval a new mining region was offered by fickle Fortune. As in the Cariboo, so in the Kootenay, the present rich ground did not satisfy. What was beyond? To these men the country was always a mystery. It presented a unique and complex condition. Nature here refused to work in the same methodical fashion as in California, which had been the miners' training school. The more recent and the older gravels carrying the gold had here been mixed, redistributed, and inextricably confused by the ice action, which had played the part of the malicious fairy in the nursery stories. Some saw, or thought they saw, the slate formation of Cariboo, and prospectors struck off into a vast unknown stretch of country between the Wild Horse and Cariboo in search of another Williams Creek. Even in the dead of winter, and the winter of 1864 was most inclement and severe, numbers left Wild Horse every day with snowshoes on their feet and packs on their backs. Two hundred miles to the northward, on the upper waters of the Columbia, good diggings were found on Canyon Creek near the Big Bend of the Columbia where that river, turning sharply around the Selkirks, changes its course from northwest to south.<sup>26</sup> Others ascended the Columbia and near Death Rapids found bar diggings which were reported to pay from \$5 to \$12 per day.<sup>27</sup>

The news went abroad and grew by constant repetition. In the spring of 1865 the miners hurried pell-mell into this locality, which received the indefinite name of the Big Bend. From the Fraser and the Thompson (for these were still being mined by men contented to work poor ground), from Cariboo, from Wild Horse, from the mines of Idaho and Montana, they came crowding into the worst stretches of the Columbia. The Big Bend was calling, as the Fraser had called: "Shallow diggings! Shallow diggings!" For years this territory had seen nothing but the Indian's canoe or the picturesque fur-traders' express or batteau brigade rushing by, loud in their exe-

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<sup>26</sup> *British Columbian*, Feb. 8, 1865.

<sup>27</sup> *Id.*, June 29, 1865.

cration of its turbulent and dangerous waters and ignorant of the golden harvest in its bars. Wild rumors of great strikes were current, and the opinion soon, most unaccountably, was formed that Big Bend was the equal of Cariboo. Natural conditions made Fort Colville and the Little Dalles, twenty miles above it, the outfitting centres.<sup>28</sup> The scenes there in that spring bore a striking resemblance to those on the lower Fraser in 1858. Hundreds of excited persons were to be seen, rushing hither and thither, building boats, scooping out canoes, and in every conceivable way preparing to press forward to make their fortunes. All nationalities were represented. The despised but ubiquitous Chinese were here in large numbers, eager and bustling like the others; with this marked difference, however, that having found paying ground they did not, as did the others, abandon it at the next rumor of better diggings afar off.<sup>29</sup> On Rich Bar they were content, though making but \$3 to \$5 a day—returns which the European or American would have disregarded.

As Mr. Turner's report had shown, gold existed on every bar in the Big Bend, but in some places 15 cents, in others 50 and 60 cents, to the pan were found. Thus early did the variable and uncertain yield, which in the end killed this locality, manifest itself. Up the river, as far as the commencement of the bend the bars gave fine prospects; but there all traces of gold were lost. The feeling of confidence in the Big Bend mines was well shown by "Old Texas," who had been very prominent on the Fraser River in 1858. "I would not," he said "take \$10,000 and leave my claim unprospected; and all I have in the world is a sack of flour and five pounds of bacon and a cayoose at Colville."<sup>30</sup> The freshet delayed operations as it had on the Fraser, and, while waiting for the waters to subside, employment was offered some of the miners, who were mostly old fifty-eighters, on the trail from Seymour on Shuswap Lake to the Columbia which the Government were about to open, but the reply was that "working for wages was played out." Yet these men at that time had barely enough to eat and had no money. It is a strange example of confidence without a basis to justify it.

During this year the inevitable happened on Wild Horse, Findlay, and Fisher Creeks—the Kootenay mines. They changed their

<sup>28</sup> *British Columbian*, July 1, 6, 1865.

<sup>29</sup> *Cariboo Sentinel*, June 27, 1865.

<sup>30</sup> Letter of W. S. Stone, Aug. 7, 1865.



nature and became deep diggings. This is only another way of saying that the miners had now learned that here, as elsewhere, the rich diggings were not on the surface, but in the old channels below. Shafts a hundred feet deep were sunk and lengthy tunnels run—the expensive but more lasting form of placer mining. In June a ditch carrying two thousand inches of water and costing over \$25,000 was completed, affording facilities for working about a hundred claims which had been idle owing to its scarcity.<sup>31</sup> The season of 1865 did not meet expectations, not because of any failure of the mines, but because the miners, blown about by every breath of rumor, left the real mines of Wild Horse for the will-o'-the-wisp of McCallum Gulch in Cœur d'Alene, Big Bend, and the Blackfoot country.<sup>32</sup>

The necessities of the Big Bend were early met by individual effort. In July, 1865, Mr. Barnard sent in the first express. About that time Messrs. R. T. Smith and W. H. Ladner took in the first cargo of colonial goods; all previous supplies had been obtained from the United States. The difficulties they overcame were enormous. The goods were carried to Yale by steamer, transferred to wagons and taken to Cache Creek, loaded there on mules and carried to Savona's Ferry, unloaded into boats and freighted to Seymour, and once more unloaded and packed by mules over the Gold Range, where there was not the sign of a trail, to the Columbia, forty miles. The distance from Yale was about three hundred miles. Over the forty miles from Seymour to the Columbia River, this pioneer train was compelled to cut its way, except where, owing to the elevation, the country was open and clear of timber. Following their line in a general way, Mr. Walter Moberly cut the trail to a suitable width, but this work was not finished until October, too late to be of much value in the season of 1865. Two other pack trains owned by Mr. Romano went into the Big Bend that summer loaded with merchandise. All these supplies were dealt out on credit with a lavish hand, for hope was high and faith unbounded in the richness of the camp.

In September reports of \$16 and \$18 a day were current. Carnes, Downie, McCulloch, and Gold and French creeks, all emptying into the Columbia from the western slope of the Selkirks, were

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<sup>31</sup> O'Reilly's Report, July 10, 1865.

<sup>32</sup> *British Columbian*, Sept. 13, 1865.

crowded with miners. On French Creek the Sheppard and Bailey Company struck bed-rock at ten feet, taking out \$112 from eight by twelve inches in the bottom of the shaft; the La Fleur Company took out \$500 in two days; and the gravel some distance from the bed-rock prospected variously, from \$2 to \$12 to the pan.<sup>33</sup> Similar news came from Carnes and McCulloch creeks. So confident were the miners, that, being assured of a supply of food for the winter, they determined to continue their operations through that inclement season.

All through the summer food had been scarce in Big Bend. What was brought in by Smith and Ladner's and Romano's pack trains was not nearly sufficient and quantities were boated up under great difficulties, and with great losses from Colville. Supplies at one time were so reduced that the miners were compelled to subsist on "flour straight." Besides their mule teams Smith and Ladner sent out from Seymour, in October, a train of twenty Indians carrying from sixty to a hundred pounds each; and all through the winter they sent in supplies by dog trains, averaging sixty pounds to the animal. Mr. J. Tellias, alias "Thousand Dog Joe" sent out a seven dog tandem attached to a loaded toboggan, and four more dogs packed with aparajoes like mules.<sup>34</sup> The sight was somewhat novel and attracted considerable attention from the new-comers.

The cry of British Columbia was for the whole trade of Big Bend. It was recognized that Wild Horse Creek was so situated that it must, for a time at least, draw its supplies from the adjoining territory of Washington; but Big Bend was less than three hundred miles from Yale, one-half of which was good navigable water. A road to connect the Cariboo road with Savona's, where connection could be made with a steamer, and a road from Seymour at the eastern end of Shuswap Lake to the Columbia, were loudly called for.

During the winter of 1865-6 the Big Bend diggings were the all-absorbing theme in the Kootenay and British Columbia generally, in the Boisé country, at Walla Walla, and Portland, in fact wherever miners foregathered. Everybody talked about them, thought about them, dreamed about them; every one was preparing to set out in the spring for this inaccessible region. And strangely

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<sup>33</sup> *British Columbian*, Oct. 4, 1865.

<sup>34</sup> W. H. Ladner in *British Columbian*, April 28, 1866.

enough, this in the face of the fact that the official return for 1865 was less than \$40,000, for the thousand or more miners. The gold export tax, which was then in existence, might account for some shrinkage in the amount reported, but, making every allowance on that score, the return was lamentably small. Nevertheless, the general opinion was that these mines were extensive and rich, rich beyond anything ever known in the colony. It is impossible to account for this confident, but baseless, feeling. It seemed to be in the air. Men left the clearly-proved, rich Wild Horse Creek for the phantom of treasure in the farther north. Confident of success they were, like the child who seeks the pot of gold at the rainbow's end. Comparisons were made with the tried and proven richness of Cariboo, which for years had been yielding its millions. It was pointed out that Gold, McCulloch, Carnes, and the other creeks all headed in a Bald Mountain and must therefore be as rich as Williams, Antler, Lightning, and Lowhee creeks, which had their rise in Mount Agnes, the celebrated Bald Mountain of Cariboo. The newspapers of the day were filled with notices advising this or that route to *El Dorado* as local interest dictated, of this or that transportation company or wayside stopping place, or offering business opportunities at a sacrifice because the present owner was leaving for Big Bend. In Victoria, the Board of Trade raised a fund to advocate the route through British Columbia instead of that through the United States. One of the dodgers which appeared on every dead wall was the one reproduced on the opposite page.

This was scattered broadcast. Portland was the chief competitor for the trade of Big Bend. The supporters of each route loudly decried the other. The Government of the colony determined to build a wagon road from Cache Creek on the Cariboo road eastward to Savona's Ferry at the western end of Kamloops Lake. In December, 1865, the contract was granted to Mr. G. B. Wright, who rushed the work through and finished it in April following. Arrangements were made with Capt. William Irving to place a steamer on the route between Savona's and Seymour in consideration of a mail subsidy of \$400 a month. The Hudson's Bay Company obtained Irving's rights and in May, 1866, completed the steamer *Marten* and ran her regularly between these points during this summer. But so anxious was the excited crowd to reach the new





# BIG BEND GOLD MINES !

## BRITISH COLUMBIA.

The **SAFEST**, the **SHORTEST** and the **CHEAPEST** ROUTE to these Extraordinary **PLACER MINES** is by way of **VICTORIA, VANCOUVER ISLAND !**

Passengers going this way, have not to cross the dangerous Columbia River Bar, and the distance is over **ONE-THIRD** [or 279 Miles] **SHORTER** by way of Victoria, than by way of Portland.

The Governments of Vancouver Island and British Columbia have subsidized the following powerful Steamers to carry Miners from San Francisco to Victoria and New Westminster direct :

**The Hudson Bay Co.'s Steamer "Labouchere," Capt. Mouat ;**  
**The Cal. S. N. Co.'s Steamer Active, Capt. Thorn.**

These, or other first-class Steamers, will run on this route regularly, and will connect at Victoria with swift River Steamers carrying passengers to Yale, a distance of 175 miles. From Yale to Savana Ferry, a distance of 133 miles, there is a splendid Government Wagon Road and Comfortable Way-side Houses every few miles ; over this road travellers can easily walk, or they can ride in Barnard's Fast Four-horse Stages. From Savana Ferry the Hudson Bay Co.'s new and swift **STEAMER "MARTEN"** will run to Ogden City, upper end of Shuswap Lake, a distance of 111 miles. From Ogden City to the Columbia River, a distance of 34 miles, there is an excellent Government Pack Trail.

### MINERS GOING TO THE RICH MINES OF BRIDGE RIVER OR CARIBOO,

Can do so by the Government Wagon Road from Yale, over which it is easy to walk, or Travelers can ride in Fast Stages.

The Steamers running from San Francisco for the conveyance of passengers, by way of Victoria and the Fraser River, being under contract to the British Colonial Governments, the Rates of Fare charged are very low, and passengers are expeditiously, comfortably and cheaply conveyed from Victoria to the mines.

Miners going from San Francisco to the British Columbia Gold Mines will derive another great advantage by visiting the **FREE PORT OF VICTORIA**. In Victoria Miners can supply themselves with every article they require, free of duty, and 25 to 50 per cent. cheaper than they can buy similar goods in California or Oregon.

Distance from Victoria, Vancouver Island, to Big Bend Mines, . . . . . 473 Miles.  
 Distance from Astoria, via Portland, to Big Bend Mines, . . . . . 752 Miles.

#### TABULAR STATEMENT OF DISTANCES, COMPILED FROM OFFICIAL AUTHORITIES.

FROM VICTORIA, VANCOUVER ISLAND.		FROM ASTORIA, VIA PORTLAND.	
To New Westminster, by steamer.....	80 Miles.	To Portland .....	96 Miles.
Thence to Yale, by steamer.....	95 "	Thence to the Dalles .....	110 "
Thence to Savana's Ferry, by stages.....	133 "	Thence to Walla Walla.....	100 "
Thence to Head of Shuswap Lake, by steamer.....	111 "	Thence to Colville.....	210 "
Thence to Columbia River, at a point 30 miles above the unopposed head of navigation, by Government trail.....	34 "	Thence to a point where the Trail from Shuswap Lake strikes the Columbia River.....	216 "
Thence to Gold Creek, by boats.....	20 "	Thence to Gold Creek .....	20 "
	473 Miles.		752 Miles.

Showing that the distance to the Big Bend Mines is 273 Miles less by way of Victoria than by way of Portland.

The following Statistics, respecting the probable Time and Expense of Traveling from **VICTORIA to BIG BEND**, have been compiled by Mr. F. J. Barnard, the well-known British Columbian Express Agent and Stage Proprietor :

CLASS 1—BY TRAIL OVER THE WAGON ROAD, AND IN CLUDING MEALS AND BEDS THROUGH.	CLASS 2—ON FOOT FROM YALE TO LAKE KAMLOOP, IN CLUDING MEALS AND BEDS AT WATERBURY HOUSE.	CLASS 3—ON FOOT FROM YALE TO LAKE KAMLOOP, AND BRINGING THEIR OWN PROVISIONS ON THE WAY, OR PACKING IT WITH THEM.
Dist. Time. Rate. Meals, &c.	Dist. Time. Rate. Meals, &c.	Dist. Time. Rate. Meals, &c.
Victoria to Yale.....175 24 hrs \$1 \$3 00	Victoria to Yale.....175 24 hrs \$4 \$6 00	Victoria to Yale.....175 14 hrs \$4 \$1 00
Yale to Kamloops Lake.....133 24 hrs 40 6 00	Yale to Kamloops Lake.....133 8 days — 20 00	Yale to Kamloops Lake.....133 14 hrs — 6 00
Over the Lake.....100 10 hrs 10 4 00	Over Lake.....100 1 day 10 4 00	Over Lake.....100 1 day 10 4 00
Head of Lake to Columbia River.....35 18 hrs — 9 00	Head of Lake to Columbia River.....25 2 days — 9 00	Head of Lake to Columbia River.....35 2 days — 4 00
Total number of hours traveling, 81.	Total time, 8 days.	Total time, 8 days.
Total cost, \$75.	Total cost, \$67.	Total cost, \$24 50.

Published by authority of the

Victoria, Vancouver Island, 1886

VICTORIA, V. I., CHAMBER OF COMMERCE.  
 [Victoria Daily Chronicle Print.]

land of gold that long before either road or steamer was built, even before navigation was opened, great numbers started on foot for Big Bend. By the middle of March four hundred men had left New Westminster. They found Kamloops and Shuswap lakes still in winter's grasp, but, nothing daunted, two hundred and fifty set out over the ice to Seymour drawing hand sleds with their supplies. Some five hundred more were gathered at Kamloops awaiting the breaking up of the ice. Seymour became quite a village; there were in April about twenty houses at this spot, and the Government announced a survey and sale of lots to take place in June. Similar conditions prevailed on the American route. Regardless of the severity of the season and the dangers of navigation, all sorts of boats and canoes were leaving Colville and making their way loaded with their living freight and manned, in many instances, by inexperienced and incompetent boatmen up the Columbia River and the Arrow Lakes.

When navigation opened on the Columbia the *Forty Nine*, a steamer built at Colville for the Big Bend trade, made regular trips from that point to Death Rapids—the *Dalles des Morts* of the French voyageurs. Her passenger list is a thermometer of the excitement; on the first trip through the floating ice eighty-five passengers were carried, on the next about two hundred, on the third only five. The *Marten* was operating on the opposition route between Savona's and Seymour. Neither vessel carried many passengers, as the climax of the inward movement had been nearly reached before they commenced to run, but the *Forty Nine* succeeded in paying for herself by charging \$200 for the passage. The *Marten* had, in addition, to compete with batteaux, canoes, and other craft which offered to carry freight and passengers at a lower rate. The steamer's charge was \$10 for passengers and \$20 a ton for freight from Savona's to Seymour; the boats were charging \$2.50 for passage and \$15 a ton for freight. Capt. William Moore, a prominent man in the Fraser River, and indeed in every, mining excitement in the country, had two freight boats, while Cullen and Parsons had a twenty-ton boat and "Big Jack" a number of canoes.

Amongst the first freight to go in during 1866 was a complete brewery, which the enterprising proprietor, Mr. Steinburger of Yale, was establishing at French Creek.

In this struggle to capture the trade of the Big Bend mines the tolls levied upon the traffic along the roads of the colony constituted a considerable handicap; the American merchandise was free from a portion of these exactions. To explain this condition it may be stated that, during the Fraser River excitement, before the first whisper of Cariboo or the first dream of that stupendous road, at the time when the tolls were a half cent a pound and the tonnage tax of 12s. a ton, Governor Douglas, in order to equalize the importation of goods across the southern boundary with that by way of Fraser River, had proclaimed the Southern Boundary Act. This provided that goods imported otherwise than through New Westminster should pay (1) the regular customs duties, (2) a shilling upon every fifty pounds, (3) 12s. a ton, (4) a fine equal to three per cent on their market value.<sup>35</sup> But with the completion of the Cariboo road, extra tolls were, as has been already mentioned, imposed thereon as well as upon the Suspension Bridge and Spence's Bridge. To the extent of the difference, being a matter of about \$37 a ton, the American merchants now had the advantage, for the last of the tolls on the Cariboo road was levied at Lytton, beyond which point the road to the Big Bend branched off. But against this must be set off the great dangers of the navigation of the upper waters of the Columbia and the increased distance—seven hundred and fifty-two miles as opposed to four hundred and seventy-three—from the sea-coast.

Whichever route the miners took the bad stretch of water known as Death Rapids, or *Dalles des Morts*, had to be encountered. A portage was always made at that point. But in this hurry to reach the golden land the dictates of prudence and experience were frequently disregarded. In May, 1866, a boat containing some twenty-three men attempted to run this rapid. Overloaded as it was, it became unmanageable in the frightful and turbulent waters. It was overturned and of its occupants two succeeded in swimming ashore, while four others clung to the upturned craft and were saved; but the remainder, seventeen in all, were lost.<sup>36</sup> Other accidents occurred in which individual miners were drowned at this awful spot; gradually it was learned that the dangers of navigation were so great that it was unsafe to attempt it.

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<sup>35</sup> Ordinance, Dec. 22, 1860.

<sup>36</sup> *British Columbian*, June 2, 6, 1866.

But the season of 1866 was disheartening. Here and there a company like the Thompson, the Ridge, or the Guild was taking out \$2,000 or \$3,000 a week; here and there individual miners were obtaining returns of \$100 or \$200 a week; but, as a whole, the seekers were unsuccessful. The high hopes of the spring made the summer's results appear more unsatisfactory by contrast. Only two creeks paid at all well—Gold and McCulloch—and even on them the returns were not uniform, as on Williams Creek. The shallow ground was very variable in productiveness; in the mining phrase of the time was "pocketty." It had been thought that the gold was widely scattered and close to the surface, but by June it was clear that the really rich ground was not shallow, but deep, like Cariboo, and more expensive to work owing to the boulders in the old channels. These boulders in the deep diggings on both creeks also increased greatly the uncertainty of returns when the bed-rock was reached and, in many instances, rendered the claims valueless. Then, too, the bed-rock was so far below the surface that, where the boulders were evaded or overcome, the water—the placer miner's friend but the deep miner's enemy—could not be kept out with the machinery then in the camp. For instance, the Yale Company, whose proceedings were being watched by all McCulloch Creek and the Big Bend, persevered and reached the bed-rock at a depth of fifty feet; they then drifted towards the deep ground and sank three blind shafts, from the last of which they drifted again and had put in three sets of timbers when the flow of water proved too strong and forced them to retire.<sup>37</sup> The surface diggings where \$5 and \$6 a day could be obtained were a poor solatium to men who had dreamed for months of rich golden harvests and risked their all to reach the mines. Food, too, became scarce and dear; flour and beans were luxuries; and still more scarce was the gold to purchase them. The whole camp had been sustained on credit and buoyed up by a strange but universal feeling of confidence. Now the mines had been thoroughly tested, tried, and found wanting.

The bubble burst. Early in the summer the premonitory symptoms appeared. By the month of September the exodus became general. The unexpected and disappointing news which the returning miners brought had its effect. The merchants of the colony and of the neighbouring Territory of Washington ceased to supply

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<sup>37</sup> *Victoria Colonist*, Aug. 28, Oct. 16, 1866; *New Westminster Examiner*, Sept. 27, 1867.  
Vol. II—16



goods on credit to the traders and packers of Big Bend. The latter, in turn, endeavored to realize on their accounts. Impossible. Without further supplies, the population could not exist, and back they went totally disheartened and, in most cases, penniless. The opinion was unanimous that the Big Bend was a gigantic failure—the “Big Bilk” as it was facetiously termed. Three quarters of those who were taken back by the *Forty Nine* had not money enough to pay their passage. The whole season’s production had not exceeded \$250,000.

A small number of miners remained on French and McCulloch creeks and on bars where they had luckily struck some rich spot, but after 1866 Big Bend was merely a sad memory to those who had staked their all on the richness of the territory and lost. 1866 wrote “Ichabod” on Big Bend and “Bankrupt” on many of its packers and traders. Yet this failure does not imply that the Big Bend is not richly auriferous. Its history proves rather that it has a treasure house, if it can but be reached. That wealth is not on the surface, to be picked up by the first chance passer-by. Deep in earth is it buried, protected, not like Andvari’s Hoard by Fafnir the Dragon, but far more effectually by a flow of water so great that it is, until conditions change, commercially impossible for man to overcome it.

The failure of the Big Bend mines cast a deep gloom over the colony and also over Vancouver Island. Cariboo was declining, slowly, it is true, but, none the less, steadily. Its gold production was large, but its mines now gave employment to very few. Big Bend had been fondly regarded as the salvation of surface mining, the kind that momentarily, at any rate, builds up a community. The whole country, suffering from depression, had nevertheless entered into large engagements on the strength of its likely returns, and disaster now stared it in the face. This phase of the matter led to even louder calls for retrenchment in the public expenditure, and falls properly into the discussion of the union of the two colonies and of confederation.

Although the great majority of the miners abandoned the Big Bend in 1866, a few remained on French and McCulloch creeks, and for ten years thereafter gold in small quantities was obtained. These mining rushes, like a great tide, always leave behind some flotsam and jetsam.

As Wild Horse Creek had depopulated the Boisé mines so Big Bend had depopulated Wild Horse. During the winter of 1865-6 its population had decreased to about one hundred whites and twenty Chinese. And it never recovered, though it was the most productive of all the numerous creeks which were mined in the Kootenay. It is estimated that this creek, which produced steadily until about 1872, and even for many years thereafter when hydraulic mining was resorted to, yielded in all the immense sum of \$6,000,000.<sup>38</sup> But in its latter years it was entirely in the hands of the Chinese, until hydraulic mining companies began the cleaning up process. As late as 1893 it yielded \$19,000.

On Toby Creek, one of the sources of the Columbia, hydraulic mining was, in 1866, extensively pursued, and large returns were obtained; the ground, however, was shallow and soon exhausted; moreover, Big Bend was the magnet of 1866 and soon the miners, always dissatisfied, disposed of their claims to the stolid and plodding Chinamen and joined the infatuated crowd. Left the substance, as they so often did, for the shadow.

Perry Creek, a branch of St. Mary's River, made a small excitement in 1867-8-9. The few white miners then remaining on Wild Horse and Toby creeks at once set out for its reported rich diggings. The details of its story are a mere reproduction of Cariboo, Wild Horse, and Big Bend. Shallow diggings, four to six feet in depth, were first discovered. The gold, in shape resembling cucumber seeds, was found in a layer of gravel lying on a clay deposit four feet in thickness. As on Williams Creek, this clay was at first regarded as the bed-rock; but in 1868 and 1869 the miners ventured below it and found rich deep diggings yielding \$20 to \$30 a day to the man. Here again the deep miners' enemy conquered. The water could not be overcome except in a few favoured instances, and in a short time the creek was abandoned.

Slocum River, the Moyie River, and Joseph's Prairie were mined during this time, but the results as a whole were not encouraging, not sufficient to revive the country or to overcome the evil effects of the complete failure of the Big Bend.

Those of the disappointed miners of Big Bend, who did not return to the coast, generally drifted back to the older gold mining regions which they had spurned when Cariboo had offered its marvellous prizes.

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<sup>38</sup> 1893 Mining Report, p. 1064.

Rock Creek has been already mentioned. It had been mined in 1860 and 1861. After being deserted for about five years it revived as a mining camp in 1866. During that summer a few whites and Chinese were making \$8 to \$10 a day.<sup>39</sup> For several years similar small pay was obtained in its shallow ground, but in those days that was merely wages. The Okanagan country, too, came in for renewed attention, and there also, for some years, miners were making ordinary wages.

Bridge River, near Lillooet, one of the earliest mining regions of the colony, was again visited and operations renewed. Shallow diggings, yielding \$6 to \$15 a day, were found. Always looking for accustomed indications to buoy up their natural hopefulness, the miners here found large quantities of metallic black sand; this they regarded as an evidence of great gold deposits. But here, too, the precarious returns only gave fair wages, and soon the Chinaman was in possession. In 1866, a Chinese company of twelve men obtained \$55,000 by wing-damming.

It is not intended to follow into its minuter ramifications this scattered gold mining. The Fraser River excitement of 1858 resulted in the formation of the Colony of British Columbia; the Cariboo excitement of 1860-4 caused the building of its great arterial highway and the accumulation of a large bonded indebtedness; the Big Bend excitement of 1866 left the colony in a bankrupt condition, induced a stronger demand for retrenchment, and so driving the people to seek a road to escape the heavy taxation, led to confederation; but the widespread, poorly-paying mining which followed is only of local interest. It bears not at all on the real history of the colony. For eight years the miners had sought out and examined the creeks and bars of the country. We have seen them all worked from Peace River to Rock Creek and now, in 1866, a little profitable mining is going on on a few creeks in Cariboo, but elsewhere only wages are being obtained. So far as placer gold production is concerned, the verdict is "exhausted," though Omineca and Cassiar are still to make their appearance. It has, however, served its purpose, has brought a wilderness into civilization, given to the world the first faint glimmerings of the real riches of the country, and established British power firmly upon the Pacific.

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<sup>39</sup> *Victoria Colonist*, April 7, 1866.

## CHAPTER XV

### SKETCH OF LEGISLATIVE COUNCIL AND LEGISLATION

1866-1870

Governor Seymour had before him a delicate task—one which would tax to the utmost greater diplomatic abilities than he possessed. The union so anxiously desired by one portion, so strenuously opposed by the other, now existed, but the real fusion was yet in the future. Two distinct staffs of public officers must be judiciously rearranged and reduced to one staff. His first move, if it may be so described, was to procrastinate—to continue all the officials in their positions until the end of 1866, intimating to them that the reduction would not fall exclusively upon the island staff. During this interval, he set himself to the unpleasant duty of planning changes in the civil establishment of the colony so as to effect that object. It was manifest, as he sagely expressed it, that in reducing two sets of public officers to one set, a great many men must lose their offices. A certain amount of dissatisfaction would necessarily be created, but the financial condition was desperate and the colony would have supported him whole-heartedly in acting with an eye single to its best interests. Two main considerations should have governed his conduct in this juncture, efficiency and economy. Those who would thus lose their offices he promised to recommend to the Secretary of State for positions in other colonies, but in the meantime, with some unimportant exceptions, the double staff of officials remained. A certain reduction was, of course, effected—could scarcely, in fact, have been avoided; but Governor Seymour had not the strength of mind and determination necessary to reduce the Civil List to its lowest terms consonant with efficiency. The decrease was by amalgamation of offices rather than by reduction of salaries and abolition of offices.

By a strange oversight the Act of Union omitted all mention of the two Courts. They remained separate. To prevent any misunder-



standing, an act was passed in 1869 whereby Chief Justice Begbie was continued as Chief Justice of the Supreme Court on the mainland and Chief Justice Needham, who had in 1865 succeeded Chief Justice Cameron, was continued in that office as regarded the Island.<sup>40</sup>

The Union Act, while increasing the Legislative Council to twenty-three members, had left a wide discretion in the Governor. In constituting that Council for 1867 he, in accordance with the original instructions of the Duke of Newcastle, reappointed the Colonial Secretary (Mr. A. N. Birch), the Attorney-General (Mr. H. P. P. Crease), the Surveyor-General (Mr. J. W. Trutch), and the Collector of Customs (Mr. Wymond O. Hamley). Mr. W. A. G. Young, the Colonial Secretary of British Columbia under Governor Douglas, and later the Colonial Secretary of Vancouver Island under Governor Kennedy, was appointed Acting Treasurer in the place of Mr. Charles W. Franks, whose services had, some time previously, been dispensed with. Mr. T. L. Wood, the late Acting Attorney-General of Vancouver Island, he appointed Solicitor-General and named him one of the nine magistrates. The others were H. M. Ball (Cariboo West), Chartres Brew (New Westminster), William G. Cox (Cariboo East), William J. Macdonald (now Senator Macdonald), the Mayor of Victoria, Charles Nicol (Nanaimo), Peter O'Reilly (Kootenay), Edward H. Sanders (Yale-Lytton), and Clement F. Cornwall (afterwards Lieutenant-Governor and later His Honour Judge Cornwall), to represent generally the landed interests. The remaining nine seats were apportioned to be filled on the recommendation of the people—the popular members, so-called—five to the mainland, as before, and four to the island. The mode of election was according to the previous practice in each section; on the island the old franchise was retained; on the mainland the elections, which had all taken place previous to Governor Seymour's return, were by universal male suffrage. On the island, the persons chosen were: Victoria, Dr. J. S. Helmcken and Amor De Cosmos; Victoria District, John D. Pemberton, late Surveyor-General of Vancouver Island; Nanaimo, Joseph J. Southgate, a merchant of Victoria. On the mainland: New Westminster, John Robson, editor of the *British Columbian*; Lillooet, Edward Stamp, manager

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<sup>40</sup> Ordinances, 1869, No. 8.

of a sawmill, afterwards the Hastings mill on Burrard Inlet; Kootenay and Big Bend, Robert T. Smith, who had been the first Justice of the Peace at Hope in 1858 and who, in partnership with W. H. Ladner, had taken such a prominent part in the Big Bend excitement of 1865-6; Cariboo, George A. Walkem, afterwards Premier of the Province of British Columbia and later one of the Justices of the Supreme Court, selected for the third time; for Yale and Lytton, George Wallace, editor of the *Yale Tribune*, was at first selected, but, leaving the colony, he resigned, and Francis J. Barnard, the energetic express manager and mail contractor, was chosen. Though some of the popular members were rather vehement politicians and had strong local prejudices, general consent allowed that in ability this body far outstripped any of its predecessors.<sup>41</sup>

The first Legislative Council of the United Colony of British Columbia met on Thursday, January 24, 1867, in the Legislative Hall, formerly the main barracks of the Royal Engineers at New Westminster. All the members were present except Magistrate Charles Nicol (who refused to take his seat and was replaced by Captain Franklyn), Clement F. Cornwall, and Francis J. Barnard who had not, at that time, been elected.<sup>42</sup>

In his speech—verbose as usual—after referring to the necessity for immediate assimilation of the laws of the two sections, the Governor suggested the extension of the Vancouver Island Bankruptcy Act and Registration of Titles Act over the whole colony, and the similar extension of the British Columbia ordinances regarding Indian testimony, sale of liquor to Indians, protection of Indian graves, mining laws, postal, joint stock companies, trustees relief, game protection, etc. Regarding the accomplished fact of union, he regretted that the finances of both sections were in such a very unsatisfactory condition and expressed the opinion that the Legislative Council, without enquiring which of the two late colonies most needed the support of the other, would agree that union and the consequent reduction of expenditure came none too soon. In closing, he added that as the question of the location of the capital had created an amount of interest which he could not understand, he would deal with it later in a special message.

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<sup>41</sup> Union Papers, pt. 3, p. 38.

<sup>42</sup> *British Columbian*, Jan. 26, 1867.

Mr. De Cosmos, the champion of union, of confederation, and of representative government, at once attacked the constitution which had just been granted, claiming that the popular members should be increased to twelve and the appointive members reduced to eight. Through all the discussion ran the capital question, and scarcely a member spoke without raising some sectional cry, island vs. mainland, Victoria vs. New Westminster.

The suggested abolition of the road tolls and the tonnage tax was the subject of much controversy.<sup>43</sup> Finally a colourless resolution was passed that these levies be abolished, in whole or in part, as soon as the revenue warranted.

The estimates, besides showing a reduction in the Civil List as compared with the same list for the two colonies for 1866, showed a total proposed expenditure of \$701,710 as against the joint expenditure for 1865 (the last year for which the accounts were complete) of \$1,096,000, a decrease of \$394,290.<sup>44</sup> The salaries of the Governor, Colonial Secretary, Attorney-General, Treasurer, Chief Commissioner of Lands and Works, Collector of Customs, Inspector of Police, and Registrar of Deeds, were, by virtue of the permanent law enacted by Governor Douglas at the instruction of the Duke of Newcastle, removed from the jurisdiction of the Council, but the Governor, in effecting his reductions, had voluntarily abandoned \$3,000 of his salary, and the other officials had, following his example, freely surrendered a portion of theirs.<sup>45</sup>

On March 27, 1867, the Governor sent in a lengthy message on the capital question, in which he reviewed the whole history and concluded by saying that feeling deeply the injury the colony had sustained from political agitation, if it were necessary to set the matter at rest he would recommend that New Westminster remain the capital. On March 29th, Dr. J. S. Helmcken moved that: "The Council, having taken into consideration His Excellency, the Governor's message (No. 39), relating to the seat of government, as well as the numerous and numerous signed petitions from all parts of the country praying that Victoria may be made the seat of Government,

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<sup>43</sup> *British Columbian*, March 13, 1867.

<sup>44</sup> *Id.*, Feb. 16, 1867.

<sup>45</sup> *Id.*, Feb. 27, 1867.

RESOLVE,

"That were the seat of government placed in Victoria it would be consonant with the desire of the public, advantageous to the administration, conducive to the best interests of the country, and diminish the cost of government;

"That, without wishing to embarrass the Executive in any way, the Council would urge that such steps should be taken as may, to His Excellency, seem best towards carrying out the desire of the petitioners;

"That His Excellency, the Governor, be humbly solicited to cause the next session of the Legislature to be holden in Victoria."

After a debate lasting nine hours and a half the resolution was carried on a vote of thirteen to eight. Ayes: Trutch, O'Reilly, Sanders, Cox, Pemberton, Stamp, Southgate, De Cosmos, Helmcken, Macdonald, Young, Wood, Walkem—thirteen.

Noes: Crease, Hamley, Brew, Ball, Smith, Barnard, Robson, Franklyn—eight.<sup>46</sup>

Still the Governor hesitated. Governor Seymour was the exact antithesis of Governor Kennedy; the former's convictions were never strong; the latter's drew strength from mere opposition. Though opposed to the union at first, he had gradually weakened as the demand became stronger and had ultimately, as has been shown, drawn up the scheme which, in the main, was adopted; now, though strongly in favour of New Westminster—that is as strongly as his effeminate nature could be—he finally yielded to the pressure in favour of Victoria. In his Despatch to the Duke of Buckingham and Chandos, the Secretary of State for the Colonies, although the choice lay with himself alone, he invited an expression of opinion from the Duke.<sup>47</sup> The reply was that the proclamation of Governor Douglas, naming New Westminster as the capital, involved no pledge on the part of the Government that the site should not be moved, and that if he decided in favour of Victoria he might quote the Home Government in support.<sup>48</sup>

Laying this Despatch before the Legislative Council during the session of 1868, he gravely asked their opinion. A more childish step can scarcely be conceived. He had that opinion already—

<sup>46</sup> *Islander*, March 31, 1867.

<sup>47</sup> *Capital Papers*, p. 4.

<sup>48</sup> *Id.*, p. 13.



given, too, without his request and in the face of his expressed preference. On April 2, 1868, on the motion of Mr. Walkem, the Council resolved by a vote of fourteen to five: "That this Council, having been requested by His Excellency, the Governor, to assist him with their advice in coming to a decision as to the selection of a seat of government for the United Colony of British Columbia, is of opinion, after careful consideration of His Excellency's Message and its enclosures on the subject, that Victoria is the place most suitable for the seat of government of the united colony." The Governor accepted the decision in a short message. His Despatch to the Secretary of State announcing the result is eloquently laconic—a most unusual quality in his Despatches—showing clearly that he had not the courage of his own convictions. He says: "I forwarded your Grace's Despatch in the Message I enclose. I received the following reply. I commenced my Despatch with the final conclusion. I sincerely trust I have acted for the best. I well know I have secured but present tranquillity. In my own heart, I must allow, there was a feeling in favour of the manly, respectable, loyal, and enterprising community established on the banks of the Fraser."<sup>49</sup>

On May 25, 1868, the change was proclaimed. "From and after the date hereof, and until otherwise appointed by Her said Majesty, Queen Victoria, Her heirs and successors, the City of Victoria in the Colony of British Columbia shall be and be deemed for all purposes whatsoever the capital and seat of government of the United Colony of British Columbia."

The inhabitants of New Westminster felt deeply aggrieved by this decision. They had invested in the town on the strength of its selection as the capital. For Imperial interests, and against the expressed wish of the mainland, union had been forced upon them and now, as a result, the capital has been removed, at a time of great financial stringency. They were simply ruined, without compensation or redress. A feeling of unfair treatment, of deliberate injustice long remained, which only completely disappeared after a lapse of thirty years.

In the session of 1868, as also in that of the preceding year, the question of confederation was discussed, but that will be treated separately. The other matters which engaged the attention of the Council were

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<sup>49</sup> Capital Papers, p. 10.

of little interest historically. A standard of weights and measures was established; more effectual protection of naval and victualling stores provided; the grants of land on Vancouver Island prior to December 19, 1860, signed by resident officials of the Hudson's Bay Company, were confirmed; it was declared that the Supreme Court of Vancouver Island existed and had jurisdiction as before the union; and an act passed that debts and claims barred by a statute of limitations in a foreign country should be barred here. This act had been before the Council in an earlier year, but had been disallowed by the Home Authorities. The colony demanded it, as the people claimed they were making a fresh start and the outlawed debts of their old homes should not be resuscitated because the statute of limitations in the new land was longer than it had been in the old.

On April 29, 1868, Mr. De Cosmos moved a resolution asking the Governor to introduce an ordinance making at least two thirds of the Legislative Council elective. Little or no discussion was evoked. The members seemed to feel that they had shot their last bolts earlier in the session when a very similar resolution had been before them. The House divided evenly and the Presiding Member, the Hon. W. A. G. Young, gave his casting vote with the "yeas." But when Dr. J. S. Helmcken attempted to repeal the Crown Salaries Act and thereby place the whole Civil List under the absolute control of the Council, the bill was defeated on its first reading.<sup>50</sup>

Prorogation occurred on May 1st, after a session lasting about five weeks, in which twelve bills had been passed.

The Legislative Council, which had continued since 1866, was dissolved in the summer of 1868. On December 3rd, following, the personnel of its successor was announced. The elections, or selections as some preferred to call them, had resulted as follows: Cariboo, Dr. Robert William Weir Carroll; Yale, Henry Havelock; Lillooet, Thomas Basil Humphreys; New Westminster, John Robson; Victoria District, Dr. John C. Davie; Victoria City, Dr. J. S. Helmcken and M. W. T. Drake (afterwards Mr. Justice Drake); Nanaimo, David Babbington Ring. It must be remembered that all the members of the Legislative Council were appointed; these unofficial members selected by the people did not, by their election or selection, become entitled to seats in the Council; the appoint-

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<sup>50</sup> *British Columbian*, May 2, 1868.

ment by the Governor alone gave that right, so that theoretically he might refuse to appoint a selected person, although he now as in every other instance appointed the selected persons. All the island members were opponents of confederation; all the mainland members were supporters of that movement. Changes were, however, made in the official membership. The members by virtue of their offices were the Honourables, W. A. G. Young (Colonial Secretary), H. P. P. Crease (Attorney-General), Joseph W. Trutch (Chief Commissioner of Lands and Works), Wymond O. Hamley (Collector of Customs), and A. T. Bushby (Acting Postmaster-General).<sup>51</sup> These members constituted also the Governor's Executive Council. The magisterial members were: the Honourables, E. G. Alston, H. M. Ball, Henry Holbrook, Peter O'Reilly, A. F. Pemberton, E. H. Sanders, G. A. Walkem, and T. L. Wood. In order that Messrs. Alston, Walkem, and Holbrook might be eligible for appointment as magistrates, the same issue of the *Gazette* contained notice of their appointments as Justices of the Peace.<sup>52</sup> Thus only two of the old paid magistrates, Messrs. Ball and O'Reilly, now had seats. In this we see a breaking away from the spirit of the Duke of Newcastle's conception, a slight tendency to make this constituent element more popular by appointing persons known to have the support of the community.

The first session of the fourth Legislative Council was held in Victoria in accordance with the resolution of 1868 and the Proclamation. At its opening—December 17, 1868—Governor Seymour distinguished himself by delivering a voluminous address containing twenty-seven clauses. It was so very lengthy that most of the newspapers contented themselves with giving a synopsis. The legislation he promised was of the ordinary class required for quiet and peaceful times, containing nothing of historical or epochal interest. The demand—the repeated demand—for retrenchment was ignored; the salaries for 1869 were practically the same as for 1868. His treatment of the movement towards confederation was disappointing, though typical of the man: he saw great difficulties in the way, and it must lie quiescent until the incorporation of the intervening territory into the Dominion. Procrastination. He informed the Council

<sup>51</sup> *British Columbia Gazette, Extraordinary*, Dec. 3, 1868.

<sup>52</sup> *British Columbian*, Dec. 5, 1868.

that he had obtained the sanction of Her Majesty to the introduction of two unofficial members of that body into the Executive Council, and he proposed to consider, with their aid, what reconstruction might be desirable in the Legislature.<sup>53</sup> It may be well to add here, parenthetically, that Governor Seymour died on June 10, 1869, and up to that time had taken no step to infuse this new blood into the Executive.

Early in the session, Dr. J. S. Helmcken again attacked the permanent ordinance, commonly known as the Crown Salaries Act, 1863, by which his father-in-law, Governor Douglas, had at the instruction of the Duke of Newcastle fastened upon the colony all the prominent officials at specified and unalterable salaries. On this occasion he offered a resolution calling upon the Governor to bring down an ordinance to repeal it. Although the officers whose salaries were under attack took no part, the resolution was defeated (five to eight), the magisterial members rushing to the support of their brother officials.<sup>54</sup> The Graving Dock, which in later years was such a prolific source of trouble, now appeared on the scene. In reply to a question from Dr. J. S. Helmcken it was stated that Esquimalt had been definitely decided upon as its site, and that the Lords of the Admiralty were prepared to make a loan of £20,000 to an English company which was about to undertake the work, and that it was likely that construction would soon be commenced.<sup>55</sup> The success of the Mercer Immigration to the neighbouring Territory of Washington brought to the front, Female Immigration—a subject which had been allowed to drop since the days of the *Tynemouth* and *Robert Lowe*. Conditions had changed in the interval. A stable population on the soil, small, it is true, but gradually increasing, now existed. The matter was referred to a committee, of which the Hon. John Robson was chairman. Its report was adopted, recommending that some forty carefully selected young women between the ages of 18 and 30 should be assisted to emigrate to the colony, and that the Government should advance \$3,500 towards the scheme. The Governor was asked to take steps towards the payment of the expenses of the popular members of the Council; he promised to consider the suggestion, though he thought the principle vicious.

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<sup>53</sup> *British Columbian*, Dec. 26, 1868.

<sup>54</sup> *Id.*, Jan. 23, 1869.

<sup>55</sup> *Id.*, Feb. 13, 1869.



The great area of land included in the Indian reserves was already a grievance, and in this session the Governor was requested to appoint a commission to inquire and report the best system of managing them. A bonus of \$1,000 was granted for the manufacture within the colony of the first 10,000 pounds of sugar from beet-root. This session saw the first Public School ordinance. There had been public schools of a hybrid nature on the mainland since 1862, but without any general act governing them; on the island a Common School Act had been passed in 1865. The new act provided for local boards to have supervision of the small matters of detail. The Government was to grant aid for the erection of school buildings and \$500 towards each teacher's annual salary, and the people of each district were to settle how the remainder should be obtained, whether by tuition fees or by a yearly tax of \$2 per head on all male residents over 20 years of age. The last clause provided that clergymen of any denomination resident in a district might, as approved by the Governor in Council, visit the school and impart such religious instruction as each might think proper to the children of his denomination. At this session also, the first attempt was made to establish some comprehensive law touching the search for and working of silver, lead, copper, coal, and minerals other than gold. Twenty-eight ordinances in all were passed during the session, which extended from December 17, 1868, to March 15, 1869, but the remainder are not of interest historically.

During the recess died Dr. J. C. Davie, the member for Victoria District, the father of the Hon. A. E. B. Davie and the Hon. Theodore Davie, both of whom reached the high position of Premier of British Columbia. In his stead, Amor De Cosmos, a strong advocate of confederation, was elected. Governor Seymour died on June 10, 1869, and was succeeded by Governor Musgrave, who was specially charged to bring about confederation. Kootenay, which had been unrepresented in the session of 1868-9, was now represented by Edgar Dewdney (afterwards Lieutenant-Governor), a supporter of confederation. Mr. Dewdney had been elected in November, 1868, but had refused to attend the session of that year.<sup>56</sup>

The Legislative Council of 1870 met on February 15th, and sat until April 23rd. The opening speech was a refreshing contrast

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<sup>56</sup> *British Columbian*, Dec. 12, 1868.





LEGISLATIVE COUNCIL, 1870

with the vague note and uncertain sound of Governor Seymour's verbose and voluminous addresses. A great portion necessarily dealt with confederation, under which heading it naturally finds its place. The Governor expressed his pleasure at finding conditions more inspiring than he had anticipated, remarking that everything showed that the spirit of excitement and speculation of the gold-producing era had gradually subsided, leaving in its place a healthier tone of feeling and a sounder basis for commercial transactions. The year 1869 had closed with a balance of \$27,000 against the colony, besides a floating debt of large amount, the accumulation of years; he proposed to consolidate this debt by the issue of debentures at six per cent. He asked for a subsidy of \$4,500 to assist in maintaining telegraphic communication with the outside world; but he stated that he had refused to ask the Council to vote \$8,000 for the upkeep of the telegraph line to Quesnel, even though the Western Union Telegraph Company had offered to make a donation of the line to the Government, provided it would undertake to repair, maintain, and operate it. He gave the pleasing information that he had already taken into the Executive Council two unofficial members, Dr. J. S. Helmcken, senior member for Victoria, and Dr. R. W. W. Carroll, the member for Cariboo, and that he intended to proceed further in that direction.<sup>57</sup> He frankly said that his opinion was opposed to responsible government, but that he wished the Legislative Council reconstituted, so as to allow a majority of seats to the elected or selected members.

With the exception of the Confederation debate the proceedings of this session are devoid of interest. They relate to legislation upon the ordinary concerns of colonial life, and include such matters as the registration of medical practitioners, the registration of land titles, the consolidation of the laws relating to Crown lands, bills of sale, customs duties, county courts, common schools, etc.

The financial condition of the colony had not improved under the union to the extent anticipated. A strong man like Sir James Douglas, setting himself to the work of retrenchment, would have made a real betterment. But Governor Seymour's reductions were more apparent than real; thus in 1868-9 a vote of \$134,465 had to be taken to cover the over expenditure in 1866-7, and now in 1870

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<sup>57</sup> *Mainland Guardian*, Feb. 19, 1870.



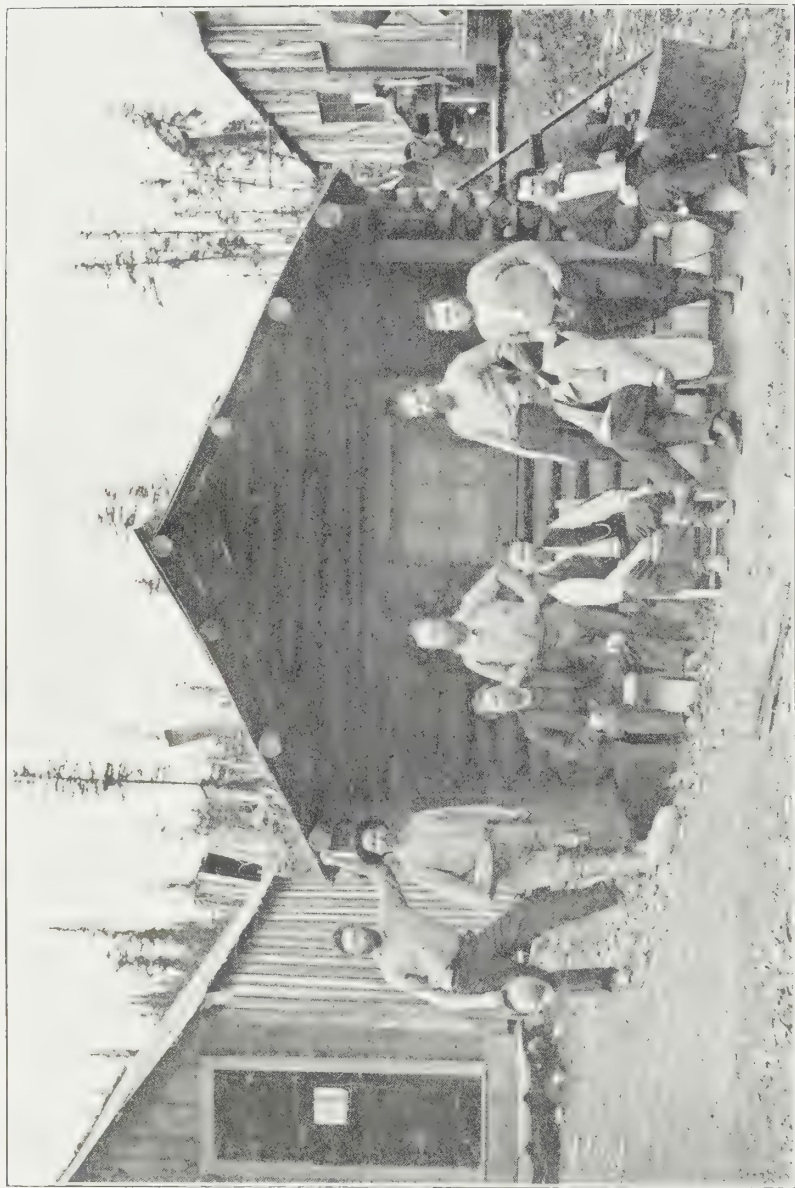
a similar vote of \$201,585 was required for the year 1869, and not only so, but a loan of £75,000 was necessary "to consolidate the floating liabilities of the colony."

Just before the prorogation an incident of a very unusual kind occurred. The popular member for Lillooet, the Hon. Thomas Basil Humphreys, a ranting demagogue, whose proclivities were not then so well known as they later became, on the occasion of a meeting at the Victoria Theatre, charged that the members of the Legislative Council opposing responsible government, and especially the Hon. Joseph W. Trutch, were dishonest and dishonourable. He then attacked the Governor and the Legislative Council, casting opprobrium upon the character and constitution of the latter.<sup>58</sup> The next day Mr. Humphreys was absent from his seat in the Council. He was sent for and on his arrival was confronted with the published report of his remarks. Asked if it was correct, he replied: "It is certainly correct." Mr. De Cosmos tried to have the subject dropped, but the Council were in no humour for such a suggestion. On the motion of the Hon. Mr. Walkem an address was passed recommending to the Governor the expulsion of the offending member. On April 19th, a message from the Governor was read expelling Mr. Humphreys from the House. A memorial, endorsing his remarks and asking cancellation of this order, signed by the Mayor of Victoria and many prominent citizens, was forwarded to Governor Musgrave, who replied in unmistakable language expressing his surprise that the petitioners should have so far forgotten their self respect, as to endorse such language or opinions. This led to a heated rejoinder from the Mayor and gradually the discussion shifted from the mere, and proper, punishment of a blatant member for scurrilous abuse to the question of the reconstruction of the Legislative Council and the introduction of responsible government. About the middle of May, Mr. Humphreys, who was quite the lion of the day, was presented with a suitably-inscribed gold watch by his admiring supporters. Probably ninety per cent of the donors to this object thought that thereby they were supporting the movement for more liberal institutions, whereas they were simply placing a premium on vulgar and unmeasured abuse.

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<sup>58</sup> *Mainland Guardian*, April 23, 30, and May 4, 1870.





#### PIONEERS OF 1867

Sitting, right to left: Duncan Cummings, Denis Cain, lost with Pacific, November 4, 1875; Robert Brown, died in Victoria many years ago; John Adair, probably dead. Standing, right to left: Thomas R. Putullo, died at Barkville, January, 1879; John Polmere, killed in mine at Snow Shoe in 1882; Mr. Dougall; James Laidlaw, with pan of gold dust; died in New Westminster many years ago, was interested in salmon canning; Finlay Campbell is probably living

This photograph was taken at the Heron Claim, Grouse Creek, in 1867

## CHAPTER XVI

### MINING GENERALLY FROM 1866 INCLUDING OMINECA AND CASSIAR

The Big Bend gathered to itself in that disastrous summer of 1866 all who could by any possibility reach it; when its hollowness became known it was too late to attempt any prospecting in the north. Real work went on in Cariboo. In that year the Bed Rock Drain was undertaken on Williams Creek to enable the miners to keep their claims free from water without having recourse to expensive pumping machinery. The Drain was really a tunnel four feet by five and one-half feet, about sixty feet below the surface, into which the water from each claim was led. It was about one and one-eighth miles in length, commencing at the Foster-Campbell claim just below the mouth of Stout's Gulch and terminating in Valley Creek, about a thousand feet below Marysville, where it runs into the Meadows. It was a costly work, representing an outlay of some \$100,000.<sup>59</sup>

The only discovery of any importance in Cariboo in 1866 was Canyon Creek (and its tributary, Hixon Creek), which flows into the Fraser about fifty miles above Quesnel. Canyon Creek had been found in 1865 but had attracted little attention. Mr. J. F. Hixon, who had been sent out to explore and prospect, reported that about twenty-six miles from its mouth he had found the creek which bears his name, where his party, without proper equipment, obtained from bank diggings \$8 to \$10 a day. This gold, which he declared to be "certainly of most beautiful quality,"<sup>60</sup> was found very close to the matrix. The samples showed little action by water, and many pieces contained fragments of quartz. Later Mr. Charles Waldron reported that his party had found prospects of \$1 to \$1.25 to the

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<sup>59</sup> *British Columbian*, May 19, 1866, Oct. 7, 1866; Minister of Mines Report, 1875.

<sup>60</sup> Hixon to Spaulding, June 16, 1866, in *British Columbian*, June 27, 1866.



pan, that from a space of ground ten feet by two and one-half feet in less than a day \$76 had been washed, and that an average showed \$17 a day per man. Two companies were at work that summer, the Blue Lead and the Go Ahead. The latter had a prospect of 50 cents a pan on a slate bed-rock.<sup>61</sup> Farther down the creek the bed-rock was a sort of fine sandstone. It was thence inferred that this was a false bed-rock, beneath which a rich deposit would be found on the true slate bed-rock, as had been the experience on Williams Creek in 1861. Gold-bearing quartz was found on all sides, several of the veins being well defined and raising a hope of what all desired—quartz—the most enduring form of mining. But neither here nor elsewhere was a paying quartz lead ever found in Cariboo.<sup>62</sup> In 1867 Fery Creek, another tributary of Canyon Creek, yielded \$6 to \$8 a day in shallow diggings. To it rushed the white miners, as usual, leaving Canyon and Hixon creeks to the plodding Chinese, who calmly gleaned and remained silent.

These discoveries are in themselves scarcely worthy of record, but, taken with the fact that in 1866 persons connected with the Western Union Telegraph Company,<sup>63</sup> amongst whom were Thomas Elwyn, Michael Burns, and Vital La Force, had found gold in many of the streams between the Fraser and the Skeena and, especially upon the Wastonguah, the main tributary of the latter, had found bars which paid from \$8 to \$9 a day to the rocker, they led to a revival of interest in the far north and thus to the discovery of Omineca and Cassiar.

Grouse Creek, which with Williams and Antler drains the eastern slope of Agnes Bald Mountain, had been scratched over in 1861-2, but abandoned in the mad rush for the millions of Williams Creek. In 1864 the Heron claim was located upon it, which, with an expenditure of \$150,000, produced \$300,000. The ground was then thought to be exhausted and the claim was sold for \$4,000.<sup>64</sup> The new owners deepened the outlet by eighteen inches, and in May took out for a short time fifty ounces a day. Through the remainder of the season of 1866 it yielded eighty to one hundred ounces a week. During that summer, claims were staked along the course of Grouse

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<sup>61</sup> Letter R. McLeese, Aug. 8, 1866.

<sup>62</sup> Waldron to Spaulding, July 17, 1866, in *British Columbian*, July 25, 1866.

<sup>63</sup> *British Columbian*, Oct. 6, 1866; Oct. 27, 1866.

<sup>64</sup> *Victoria Colonist*, Jan. 21, 1868.





THE NE'ER DO WEEL, GROUSE CREEK



A MINE



Creek for two or three miles, and it was expected to prove a rich mining territory as far as its confluence with Antler Creek.<sup>65</sup> Some large "strikes" were made in June, 1866—the Short Bend Company got \$30 to one pan, the French Company over seven ounces to a pan, and the Ne'er-do-well Company \$68. These successes brought the creek into prominence. In 1867 thirty-five mining companies were at work, a sawmill was in operation, and two respectable villages had sprung up in the valley.

Grouse Creek was, in 1867, the scene of a conflict between two rival companies, in the course of which one of the disputants defied the constituted authorities and, for a time, things had the appearance of a miniature rebellion.<sup>66</sup> Locally this was known as the Grouse Creek War, of which an outline will now be given. On April 30, 1864, while the creek was neglected, the Grouse Creek Bed Rock Flume Company obtained a concession covering a strip fifty feet wide on each side of the intended line of their flume and some four and a half miles in length. Very little was done by the Flume Company for some years, and it seemed as if they intended to let their concession lapse. The success of the Heron claim drew public attention to the creek, as we have seen. The rights of the Flume Company would expire on June 1, 1867, and in anticipation of that event a number of persons, including a company known as the Canadian Company, located on—or in mining parlance, "jumped"—its lands. In the meantime an arrangement was made between the Flume Company and the Government, whereby the former abandoned all their concession except some twelve hundred and fifty feet which included the portion "jumped" by the Canadian Company. Amongst the members of the latter company were Cornelius Booth, John Grant, Benjamin Springer, J. Spencer Thompson, William Kirkpatrick, John McLaren, and a number of others who, early in 1867, in consequence of Judge Begbie's having set aside certain verdicts in mining cases, had succeeded in having a law enacted that no appeal should lie from any finding of fact in the Gold Commissioner's Court.<sup>67</sup> The Flume Company took steps to eject the Canadian Company from the strip twelve feet in width, by which it was claimed the latter's workings overlapped the Flume Company's ground. The

<sup>65</sup> *British Columbian*, June 28, 1866; July 4, 1866.

<sup>66</sup> Martin's Mining Cases, vol. 1, p. 3.

<sup>67</sup> Ordinances, 1867, No. 34, Sec. 17.



Gold Commissioner decided in favour of the Flume Company. The Canadian Company appealed, but found, to their sorrow, that no appeal existed owing to the very legislation which they had obtained. Nevertheless, they refused to withdraw from possession of the disputed twelve feet. An injunction was obtained. They disobeyed it. An order was made for their arrest. They resisted by force. The Gold Commissioner, Mr. H. M. Ball, then swore in some twenty or thirty special constables to enforce his order. The Canadian Company gathered their adherents to the number of about four hundred, prepared to meet force with force. In the face of this small army and in view of the expressed determination of the Canadian Company to fight rather than relinquish the ground, the Gold Commissioner found himself powerless. He then tried to arrange some terms of agreement, but both parties stubbornly held to their rights or what they considered their rights. In the end Mr. Ball contented himself with reading the injunction, and asked what the Canadian Company intended to do. Their reply was that they would hold possession until they got a new trial.<sup>68</sup> The Commissioner then retired from the field of battle, and telegraphed to Governor Seymour for assistance. On July 19th, the Canadian Company, or the fighting company as it was facetiously termed, made a charge in force upon the Flume Company, drove them from the portion of the disputed ground occupied by them, took possession of their workings, and commenced to take out large quantities of gold, variously estimated, according to the temperament of the narrator, from one hundred to one thousand ounces a day.<sup>69</sup> They had an immense force at work on the rich lead. Night and day they worked in two hour shifts. The impression was that they intended to deplete the ground before effective measures could be taken to interfere with their lawless operations.<sup>70</sup> To complicate the matter still more, the Flume Company having ceased work for three days, a subsidiary company of the Canadian, called the Sparrowhawk, took possession of the remainder of the Flume Company's ground. The Governor reached Richfield on August 7th. He met the representatives of the two warring companies and induced the Canadian Company to agree to deliver the twelve feet in dispute

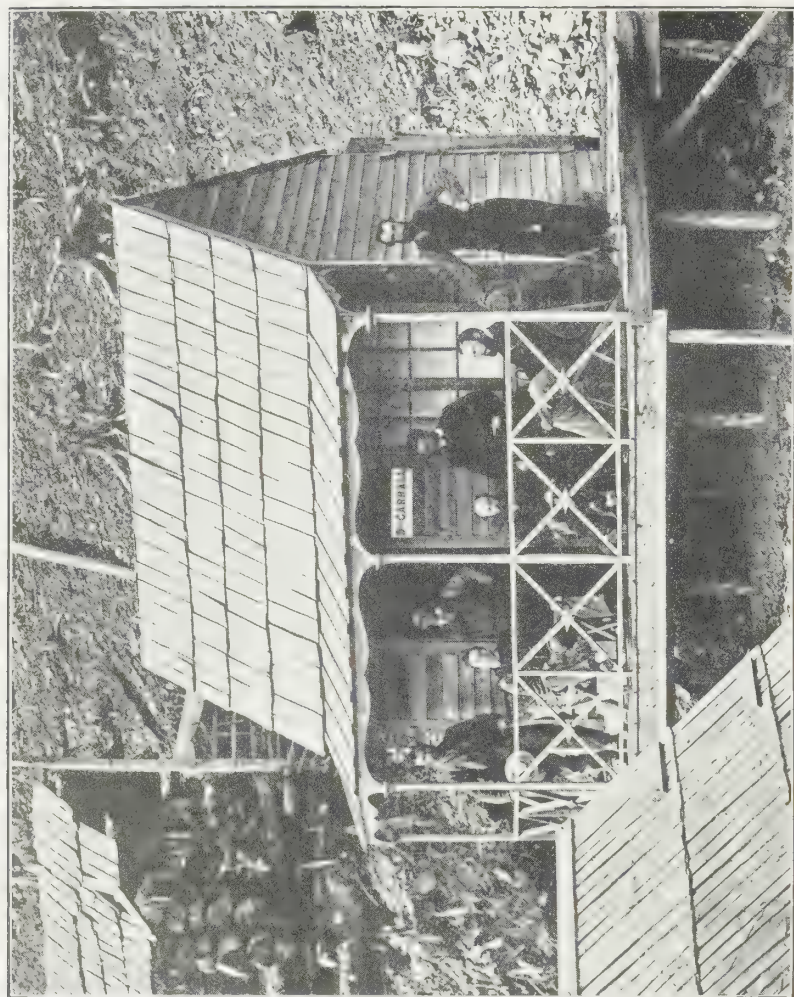
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<sup>68</sup> *British Columbian*, July 27, 1867.

<sup>69</sup> *Id.*, Aug. 3, 1867.

<sup>70</sup> *Id.*, Aug. 10, 1867.





JUDGE NEEDHAM AND PARTY AT DR. CARRALL'S CARIBOO OFFICE  
Settlement at "Grouse Creek War"

to the Government, to pay over the amount taken out of it to some public official, and to surrender the men who had opposed the police. Eight men, John Grant, Joseph Irvine, Austin Ward, John Sander-son, Frederick Littler, William Sole, George Murdoch, and ——— Lush, gave themselves up and were sentenced to three months' imprisonment for resisting the authorities. Grant went into custody; the others refused until the Governor suggested that they should do so and then cause a petition to be circulated invoking his clemency. This farce was duly enacted and the three months' imprisonment reduced by him to two days.<sup>71</sup> The Canadian Company agreed to have the dispute settled by arbitration, but the Governor failed in inducing the Flume Company to do so.

Leaving matters in this unsatisfactory shape, Governor Seymour returned. Like the ostrich, he hid his head and thought the trouble over. The law-abiding people of Cariboo complained loudly that the Governor's conduct had put a premium on rowdiness; that instead of upholding the law he had temporized with law breakers.<sup>72</sup> Oh, for the force and determination of the much derided Douglas!

The Hon. J. W. Trutch was agreed upon as arbitrator, but later the Flume Company withdrew from the arrangement until the Governor should put them in possession of the remainder of their property, which the Sparrowhawk Company had jumped, because of their having ceased work to avoid complications. To end the matter the Governor, after consulting Chief Justice Needham, issued a Special Commission to him to hear and determine the dispute.<sup>73</sup> The Judge, his son, Lieutenant Needham, and suite, accompanied by the Hon. Chartres Brew, who had been appointed to succeed Mr. Ball as Gold Commissioner, arrived at Richfield on September 15th.<sup>74</sup> The court was opened on the following day. The Canadian Company was allowed to enter an appeal from the Gold Commissioner's decision in reference to the twelve feet. The gold taken out of the disputed ground was ordered to be brought into court. It amounted to some \$3,600. The Judge intimated that no technicalities would be permitted to cover the real merits, and after a patient ten days' trial he decided that the twelve feet and the gold in court

<sup>71</sup> *British Columbia Gazette*, Aug. 24, 1867.

<sup>72</sup> *British Columbian*, Sept. 4, 1867.

<sup>73</sup> *Id.*, Sept. 11, 1867.

<sup>74</sup> *Id.*, Sept. 28, 1867; *Cariboo Sentinel*.



belonged to the Flume Company.<sup>75</sup> His decision was loyally accepted. With the end of the trouble, interest in Grouse Creek seems to have ceased. In the following year there were only fifteen companies at work and of these but ten were making wages.<sup>76</sup>

The story of mining in Mosquito Creek is similar to that of Grouse, Harvey, Cunningham, and Lightning. It had been mined in 1863 and 1864, but could not be made to pay. It was, consequently, forgotten until the spring of 1867, when Joseph Trevithick and his partner, Cockings, dissatisfied with Williams Creek and its deep workings, concluded to return to Mosquito Creek and sink deeper. The result was the discovery of rich ground.<sup>77</sup> Soon the whole length of the creek was occupied and five hundred ounces a week were being obtained. The most productive claims were the Minnehaha, Hocking, Willow, and Point. The former reached the pay streak on Christmas eve, 1867. It was owned by nine persons, including Edgar Dewdney and J. C. Armstrong. During 1868 its weekly yield averaged three hundred ounces. The gold was extremely pure, a shipment in November, 1868, of one thousand, one hundred and fifty ounces was nine hundred and thirteen thousandths fine.<sup>78</sup> In 1869 its output decreased materially, averaging only about one hundred ounces a week. The fortunate shareholders realized, clear of all expenses, over \$35,000 each.

As mining on Williams Creek crystallized into a business requiring skill and capital, the search for new fields went on. Peters Creek caused an excitement in 1868. This creek, which is about ten miles long, forms one of the tributaries of Lightning Creek, into which it empties about a mile below Beaver Pass. John Kennedy, its discoverer, sank a shaft on a bench about ten feet above its present bed. At a depth of eight or nine feet, he reached a stratum of pay dirt six feet thick, taking out from \$1 to \$3 to the pan.<sup>79</sup> The inevitable rush followed the news of this find, and soon the creek was staked off for a distance of over four miles. Neither Peters nor Mosquito creeks justified the high opinions formed of them; the excitement was in each case soon over; two or three claims paid well, but the

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<sup>75</sup> Martin's Mining Cases, vol. 1, p. 3.

<sup>76</sup> *British Columbian*, July 29, 1868.

<sup>77</sup> Harnett's Lectures, cited in *British Columbian*, April 5, 1868.

<sup>78</sup> Id., Nov. 28, 1868.

<sup>79</sup> Id., Aug. 19, 1868.





U. S. BUREAU OF MINES

PASS BETWEEN HEADWATERS OF SPATSIZI AND SKEENA RIVERS

rest drew blanks. Keithley Creek was another to which the miners returned in 1868. In fact, the whole country from Antler Creek to the Forks of Quesnel was re-prospected in the hope of finding shallow diggings.

The Bed Rock Drain on Williams Creek terminated, as stated, just below the mouth of Stout's Gulch. Immediately above was the canyon, where commenced the shallow diggings from which the Steele, Adams, Jourdan & Abbott, Cunningham, and other rich claims had taken immense fortunes in 1861-4. It was determined to build a Bed Rock Flume from the upper (or southern) end of the canyon or the Burns Tunnel, as it was known, for a distance of about a mile, to receive the tailings and collect the escaped gold from the claims through which it passed, as well as to enable a tract of ground at the southern end of the creek to be worked by hydraulic mining.<sup>80</sup> The line of the flume was through a cutting in the bed-rock five feet deep and eight feet wide. In this, the flume, a wooden affair, thirty-six inches square, built of strong timbers, was laid. The flumes from the claims through which this bed-rock flume passed drained into it, and it was hoped that any gold which had escaped capture in these smaller flumes would be caught in its crevices and riffles. But the returns from this source were inappreciable; either no gold escaped from them, or else it was so fine that the bed-rock flume also failed to retain it.<sup>81</sup> The cost of this undertaking was about \$250,000, and up to 1874 the results had not sufficed to reimburse the original outlay.

A disastrous fire which swept the town of Barkerville practically out of existence occurred in 1868. It originated in Barry's lamp-room. No fire-fighting apparatus existed on Williams Creek at the time. The mining population were not downheartened at this setback. By October, forty-two new buildings had risen in the place of those destroyed, and eighteen more were in course of construction.<sup>82</sup>

But now attention was directed towards the far north. Arctic Creek had been found in 1868 by Humphreys, Gaylord, Evans, and Twelve-Foot Davis. We pause in our story to give the origin of this name, which is so unusual as to challenge attention. It shows the slight regard the miners paid to what a man's god-father and god-

<sup>80</sup> Ordinances, 1866, No. 10.

<sup>81</sup> Minister of Mines Report, 1874, p. 549.

<sup>82</sup> *British Columbian*, Oct. 10, 1868.



mother had seen fit to call him. During the rush to Cariboo, in 1861, every foot of land on Williams Creek above the canyon was claimed. This man Davis—whose Christian name is buried in oblivion—scrutinized carefully the size of the claims, which by law could not exceed one hundred feet in length. Thus he discovered that between the Little Diller and the Abbott there was a space of twelve feet, i. e., these two claims covered two hundred and twelve feet instead of two hundred feet. He therefore located—not “jumped,” as is sometimes improperly said—this twelve feet, and from it he took the enormous sum of \$15,000. Ever afterwards Twelve-Foot Davis was his sobriquet. To return. Michael Burns and Vital La Force had wintered on the head-waters of Omineca River in 1868-9. Returning to Quesnel, these persons brought the news of the wealth of this far-away region. Government and private individuals combined to raise a fund to prospect the new and promising territory. Burns was selected as leader, with Humphreys and La Force as lieutenants. The expedition set out early in May, 1869. The Unknown North closed round them. Nothing was heard until the fall, when vague rumors of an important discovery circulated; but when the party themselves returned they brought unfavourable reports. Suspensions arose that these reports were untrue. When the members of the party set out again from Quesnel for that land of mystery, they were followed and overtaken. Finding all attempts to evade their unwelcome companions unavailing, a compromise was made by which the traitorous prospectors agreed to lead the way to the new creek, where they had taken out \$8,000 in thirty-five days, on condition that they be allowed to stake off their own claims first. Burns now headed for the south side of Omineca Mountains and brought the party to a creek known as Vital Creek, a tributary of the Omineca.<sup>83</sup> Fully one tenth of the metal found on this creek was native silver and Burns claimed that his motive for secrecy was to discover the ledge from whence it came before the rush set in. The news of the truth brought the “rush.” On this occasion the excitement was far greater than usual. Though it was late in the season, miners flocked in from Cariboo and all other parts of British Columbia.

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<sup>83</sup> *Cariboo Sentinel*, Dec. 11, 16, 1869.





PACK-TRAIN CROSSING KLASTLINE RIVER



NORTHERN PROSPECTOR, PACKING SUPPLIES ON DOGS

Those who ascended the Skeena, following the route located by Moses C. Ireland, crossed the Babine Mountains to Babine Lake as far as Wright Bay, whence Gustavus Blin Wright, the Cariboo road builder, had built a wagon road leading to Trembleur Lake. Thus they reached Middle River, where they connected with the line of travel from Quesnel. The route from the latter place was by way of Fort St. James, Thache and Middle rivers to Tatla Lake. Thence the adventurers plunged, to quote the words of the Rev. A. G. Morice, "into the endless groups of mountains at the base of which flowed the creeks, Vital, Manson, and Germansen, which rolled their noisy waters over the yellow dust."<sup>84</sup>

Vital Creek was disappointing. A strange coincidence was noticed on this creek: where the native silver was found, there, too, was gold, and when the silver ceased, so, too, did the gold. Water, slum, and cold weather caused the abandonment of shaft after shaft without any returns being obtained. The search was continued. Silver Creek and Burns Creek, both heading out of the same mountain, gave small returns; yet here, as in the Big Bend, an unreasoning and baseless faith in the productiveness of the country gained ground.<sup>85</sup> Late in the season of 1870 a party of fifteen Chinese took out \$7,000 in three weeks. This gave a small basis of reality to hope.

In 1871 the Omineca excitement reached its height. Sylvester, the expressman, reported that before the middle of June eight hundred animals, mostly loaded with provisions, had crossed the Fraser at Quesnel, and that nine hundred men had arrived at the diggings by the Fraser and Skeena routes.<sup>86</sup> In anticipation of this influx Mr. G. B. Wright had brought the steamer *Enterprise*—most appropriately named—to ply between Fort St. James and Tatla Landing, but after making the trip to that place the vessel never returned to Stuart Lake, owing to the travel being diverted into a more direct line by the trail cut by Mr. Edgar Dewdney (afterwards Lieutenant-Governor) from Fort St. James to the diggings. In August some one thousand, two hundred persons were engaged in mining in Omineca within a radius of twenty miles.<sup>87</sup>

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<sup>84</sup> Morice, *History of British Columbia*, p. 315.

<sup>85</sup> *Mainland Guardian*, April 2, 1870.

<sup>86</sup> *Victoria Colonist*, June 25, 1871.

<sup>87</sup> Langevin Report, p. 8.



Many creeks obtained a temporary prominence—Black Jack Gulch, Arctic, Slate, Skeleton, Quartz, Lost, Manson, and Germansen. Only the last two, however, were at all permanent. As in Kootenay Wild Horse overshadowed all others, as in Cariboo Williams Creek held the same position, so here, in a smaller way, Germansen was easily the most important. It was named after James Germansen, a native of St. Paul, Minnesota, who discovered it in July, 1870.<sup>88</sup> During the last week of August, 1871, \$10,000 was taken from its benches. Mr. Peter O'Reilly, who was the first Gold Commissioner in Omineca, reported, in October, 1871, that the yield for that season was \$400,000.<sup>89</sup> This, however, was in the hands of a fortunate few. The majority lost everything, and for the twentieth time became in their phrase "dead broke."

On Germansen Creek sprang up the mining camp of Germansen, three miles south of the Omineca River. Deep in the bottom of a valley, from whose steep sides the forest had been cleaned or burned off, stood about a dozen or twenty well-built wooden houses. Ditches and drains ran along the hill sides and here and there men were at work in the varied toil of gold mining. When the season was over some few optimistic ones remained on the creek and faced the rigors of a northern winter; but, like the birds, the majority withdrew to the southward.<sup>90</sup>

Though so far removed from any base of supplies—two hundred and thirty miles from Quesnel—prices in Omineca never at any time reached the height that they had attained in Cariboo in 1861 and 1862. Flour sold at 35 to 40 cents a pound; beans, a little more; smoked pork, \$1 a pound; sugar, 80 cents a pound; beef, 25 to 30 cents a pound. Wages were \$8 a day.<sup>91</sup>

The summer of 1872 saw fewer miners in Omineca. Germansen and Manson creeks were the only ones on which any mining was carried on; from the whole territory from which so much had been expected, already the glory had departed. In 1874 some sixty claims were being worked by eighty miners. The return for that year was only \$80,000.<sup>92</sup> In the following year the estimated gold production

<sup>88</sup> *Victoria Weekly Colonist*, Dec. 14, 1870.

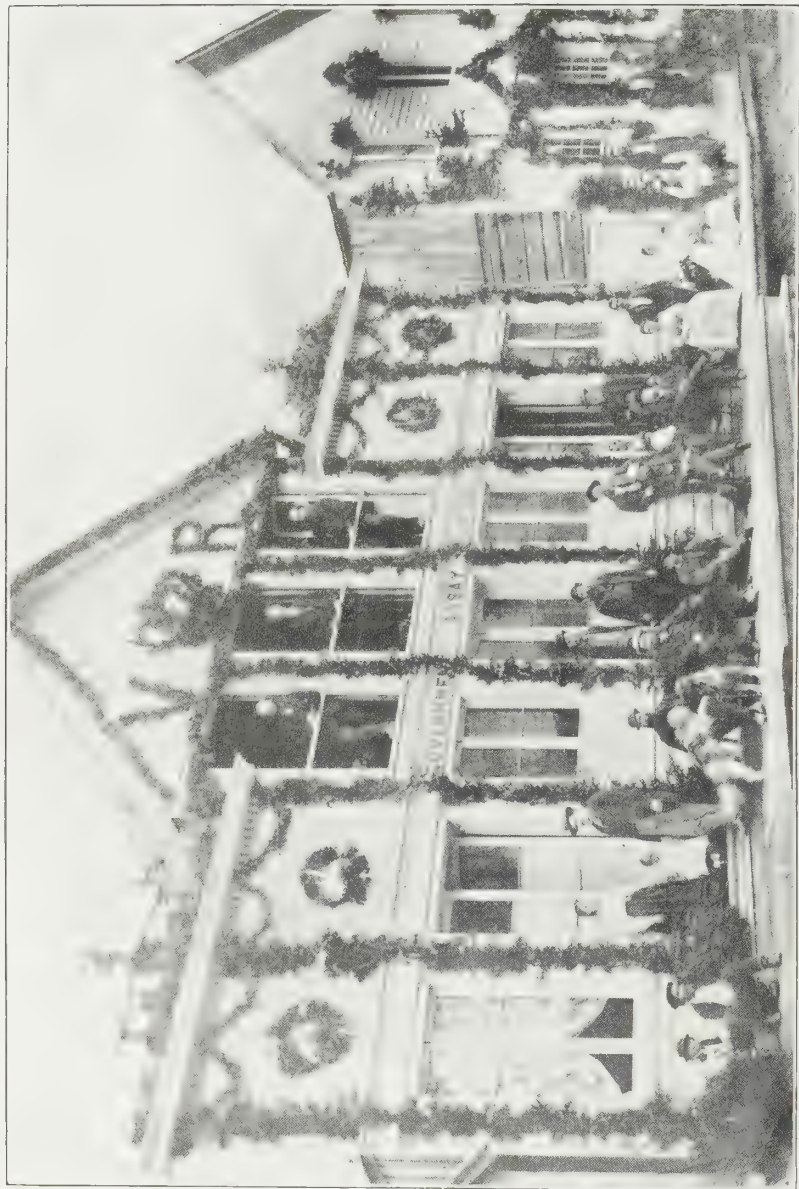
<sup>89</sup> Langevin Report, p. 10.

<sup>90</sup> Butler's Wild North Land, p. 299.

<sup>91</sup> Langevin Report, p. 9.

<sup>92</sup> Minister of Mines' Report, 1875, p. 550.





#### INTERESTING GROUP OF PIONEERS

Upper story of Assay Office, left to right: Joshua Spencer Thompson, first member for Cariboo in House of Commons; William McColl, who lived many years in New Westminster and died a few years ago; Dr. Foster, died a long time ago. Directly under the letter "E" stands Thomas L. Briggs

This photograph was taken July 1, 1871 or 1872

had decreased to \$32,000, and the total number of miners to sixty-eight.<sup>93</sup> In 1876 the mining report simply says of this district that it is "almost deserted."

As the gold production in Omineca decreased, the miners applied to the Government for assistance in exploring for new creeks. Mr. A. W. Vowell, who had succeeded Mr. O'Reilly as Gold Commissioner, obtained permission in 1873 to grant aid to the extent of \$1,250; and an effort was made to find new diggings on McKenzie Creek in the Bear Lake region, to the northwestward. Nothing of value was discovered.<sup>94</sup> It will not have been overlooked by the reader that, until the discovery of the Omineca, all the mining in British Columbia had been upon streams whose waters made their way to the Pacific. Now the miners had crossed the divide to the northeastern watershed of the great gold range which traverses the province from northwest to southeast between the Coast Range and the Rocky Mountains. The streams of the Omineca region find their way by the Finlay and Peace rivers into the Mackenzie and thence into the Frozen Ocean.

Just as the best days of Omineca were passing came cheering news of gold discoveries even farther to the northwest, at the very northern fringe of British Columbia. A new yellow star on the horizon. The miner ever had his dream of El Dorado—fresh and sanguine. The bleak North, where lay the latest find, ensured the proper setting—the distance lent enchantment. The inaccessibility—the virgin wilderness—the sterile, barren soil—the frigid climate—all the forces that deter men in ordinary avocations act reversely on the miner. Such country, he illogically argues, must be rich in gold: it is good for naught else.

In 1872 gold had been found at a point near the confluence of the Liard and Mackenzie rivers, but as this is outside our boundaries it does not come within the scope of the present work. Over all that vast, unknown, untraversed solitude, which stretches for hundreds of miles north, east, and west from Stuart Lake—a vast alpine region, where amid lakes and mountains nature reigns in loneliness and cloud—there had been scattered, from 1862 downwards, a few pioneers, part miner, part trapper.<sup>95</sup> They were men like Peter

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<sup>93</sup> Minister of Mines' Report, 1876, p. 612.

<sup>94</sup> Sessional Papers, 1873-4, p. 79, et seq.

<sup>95</sup> Wild North Land, p. 224.



Toy, to whom the free life of the illimitable North, with its prospects of gold, and its possibilities of a fortune in the next bar, was irresistibly attractive; men who kept always in the van, just beyond the remotest edge of the furthest advance; men who, taking Indian wives, trapped, hunted, fished, mined, and learned the lore of nature, retaining ever a simple honesty and directness of purpose, which, to the uninitiated, seems sadly at variance with the wild, untrammelled life they led. Though, in most instances, forgotten, the influence they exercised on the gold advance, on the exploration of the country, and in the dissemination of information was greater than that of many whose names are far better known. Vital La Force was another, who, after mining in the lower country, had been brought by the Overland Telegraph scheme into the far north and, captivated by the wild freedom, the charm of solitude, and the allurements of seeking out and prospecting creeks and bars which man never saw before, spent the remainder of his life in that unknown region. We have seen him as one of the pioneers of Omineca. We shall see him hundreds of miles to the northwest in Cassiar—more a prospector than a miner—one of the first to come and the first to pass on. When the mining fever had disappeared, he settled down, an old man, on the banks of the Nechaco, where he built a little log cabin and earned a precarious livelihood in ferrying people across that river, and at last, at the age of eighty, left the solitary wilderness of the North and died in January, 1912, at Cadboro Bay, near Victoria.<sup>96</sup>

To return to the discovery of gold in Cassiar. It has been already mentioned that Choquette in 1862 had found gold in the bars of the Stikine, and a little desultory mining had been carried on on its banks and bars from that time by the class of men we have just described. It was, however, to the intrepidity and perseverance of Mr. Thibert that we owe our first knowledge of the Cassiar mines. Leaving Minnesota, in 1869, with only one companion, he started on a long and perilous journey intending to pass two or three winters in trapping in the Northwest, and finally to penetrate the Rockies to British Columbia and the Pacific. The winter of 1869-70 he spent at Great Slave Lake. During 1870 he hunted and prospected up the Mackenzie River, wintering there in 1870-1. The next summer he passed through the Rockies and wintered at the old Hud-

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<sup>96</sup> *The Garden of Canada*, p. 212.





ABANDONED TOWN OF GLENORA, STIKINE RIVER



TOWN OF TELEGRAPH CREEK ON STIKINE RIVER



JUNCTION OF STIKINE AND TAHLTAN RIVERS



SWIMMING PACK-TRAIN ACROSS STIKINE AT TELEGRAPH CREEK





son's Bay Fort on the Deloire, or Francis River, in company with McCulloch, another of those adventurous figures that flit through the twilight of our northern history. Their supplies were now almost exhausted, and in this dreary, solitary, and inhospitable region they suffered untold hardships, depending for their support entirely upon their guns. In the spring of 1872, following the Deloire River they reached Dease River and Dease Lake, crossed to the Stikine and spent the winter at Buck's Bar, where a few similar adventurers were found. In February, 1873, having parted from McCulloch, Thibert retraced his steps, prospecting as he went until, on a creek about twenty-five or thirty miles long and fifty feet wide, flowing into Dease River near the outlet of Dease Lake, and which has ever since borne his name, Thibert found rich prospects. At a depth of from one to three feet he reached the bed-rock—a slate bed-rock, which, owing to its natural riffles, was always regarded as promising rich returns—and took out as much as two ounces of rough gold a day with a rocker.<sup>97</sup>

The very winds seem to carry the news of gold discoveries. By July, some twenty miners had arrived on the creek, including the well-known pioneer, Capt. William Moore. Soon Dease Creek was found to be auriferous. Glowing accounts—exaggerated as ever—reached the outside world. From the nearly-exhausted diggings of Cariboo and Omineca the crowd rushed to the latest bonanza.

In 1874 there were estimated to be about one thousand, six hundred miners in Cassiar, principally on Dease and Thibert creeks. Though so far away from the centres of population, the new territory was comparatively accessible—from the head of navigation on the Stikine to Dease Creek was only one hundred and seventeen miles, of which one hundred and ten miles was land travel. The remainder of the route was along Dease Lake, where at first canoes were used, but later a steamboat, in charge of Gustav Hauck, plied. The trail from Telegraph Creek, sixteen miles above the head of navigation on the Stikine, to Dease Lake was built by Capt. William Moore in the summer of 1874. The mines on Dease Creek and the lower part of Thibert Creek paid very well during that summer, some reaching as high as eight ounces a day to each man. On the former creek the Discovery Company took out in one week one hundred and

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<sup>97</sup> Through the Sub-Arctic Forest, p. 56; Minister of Mines' Report, 1876, pp. 606, 607.

forty-seven ounces, the Three to One, one hundred and twenty-seven ounces, and the McKinnon, two hundred ounces. The upper portion of Thibert Creek was very spotted, and the lead of gold, uncertain. Many, consequently, failed to find it, or if they did were dissatisfied with the results. Further explorations were undertaken and in August, 1874, McDame Creek, a tributary of Dease River, and distant about one hundred miles, was discovered. A great many other creeks shared with these three principal ones the favours of the miners, but their popularity was short-lived. The returns from Cassiar for 1874 were estimated at \$1,000,000. When the season ended, scarcely one hundred miners remained to face the almost Arctic severity of a Cassiar winter—a climate in which the mercury congealed and for days together refused to register the extreme cold. Added to this, scurvy made its appearance, and a number died of this disease before the coming of spring.<sup>98</sup>

With the opening of navigation came the returning miners. By the end of June one thousand, three hundred men, including about eighty Chinese, were scattered over the three hundred miles square of this northern mining country. The heavy freshets did much damage and greatly retarded the season's work, but by the end of June mining and prospecting were in full swing. In Cassiar the mining was largely carried on by wing-damming. When this method is adopted a barrier, or dam, is constructed across the greater portion of the creek, leaving a small space for its waters to flow in. To keep that part of the channel dry, from which the water has been diverted, another dam is made at right angles to the first, so as to confine the stream in a small portion of its original bed. The clay and the bed-rock, with its crevices and pockets, are then minutely ransacked, and often with very profitable results.<sup>99</sup> Thibert Creek continued to yield from one to three ounces per day for each man employed. Nearly all the claims on Dease Creek yielded fairly—many giving two or three ounces a day to the man—and some, like the Andrew, washing out as high as five hundred ounces in a week. On McDame Creek the results varied greatly. The wing-damming was not very successful there, owing to the great volume of water in the creek, which repeatedly swept away the miners' work. The slides from the

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<sup>98</sup> Minister of Mines' Report, 1875, pp. 554, 555; 1876, p. 603.

<sup>99</sup> Macfie, Vancouver Island and British Columbia, p. 274.







MCDAME CREEK, CASSIAR DISTRICT



GOVERNMENT BUILDING, ATLIN

hill-sides were so frequent that many were compelled to abandon their ground without being able to test it. Claims like the Caledonia, Walker, Mitchell, and Black Jack, which were free from these interruptions, paid largely. The Discovery Company took out in two successive weeks two hundred, and one hundred and seventy, ounces respectively. All through the summer reports of new creeks were circulating, and Quartz, Snow, and Sayyea, the latter a tributary of Francis River, some three hundred and seventy miles distant from Dease Lake, attracted momentary attention.<sup>1</sup> On McDame Creek, a ledge bearing gold, silver, and copper, and on Francis River silver-bearing galena were found. The output of 1875—the second year of Cassiar—is estimated at about \$800,000.<sup>2</sup> The prices prevailing in June, 1875, were: Flour, 25 cents per pound; beans, 25 cents per pound; bacon, 50 cents per pound; beef, 30 to 35 cents per pound; sugar, 45 cents per pound; tea, \$1.25 per pound; dried fruit, 50 cents per pound; tobacco, \$1.50 per pound. In August, Messrs. Walsh and Rogers brought in by way of the Skeena, i. e., the trail from Dease Lake to Fort Fraser, a band of cattle numbering about three hundred.<sup>3</sup>

In June, 1876, Mr. A. W. Vowell, who had succeeded the late Mr. J. P. Sullivan as Gold Commissioner for Cassiar, reported some three hundred and fifty miners, including Chinese, on Dease Creek, four hundred on Thibert Creek and its tributaries, and seven hundred or eight hundred on McDame Creek. Besides these, men were arriving every day, until, by the middle of August, two thousand men were in the mining region. This unexpected, and, in view of the history of the preceding season, unjustifiable rush, created a general depression, affecting miners, merchants, and packers. For, as a consequence, the prices of food increased and the rate of wages decreased. To add to the difficulty, McDame Creek now showed itself to be, like the upper part of Thibert Creek, spotted, so that it was difficult to find the lead, or when found, to follow it. Sayyea Creek, which had given such excellent prospects, and from which so much had been expected, proved a complete failure. Thibert Creek, as a whole, proved unremunerative—a claim which paid good wages on that creek in 1876 was fully up to the average. Berry, French, Bear,

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<sup>1</sup> Minister's of Mines' Report, 1876, p. 605.

<sup>2</sup> Id., 1877, p. 410.

<sup>3</sup> Id., 1876, p. 604.

and California Gulches on Thibert Creek were discovered in 1876 and gave brilliant promise, but were disappointing. The same may be said of the discovery on Snow Creek made by Sylvester and Vital La Force.<sup>4</sup> While Dease Creek is credited with \$160,300 for this season, the most of it came from three or four claims, like the Three to One, Wellington, and Caledonia. The total output of Cassiar for 1876—its third year—was \$556,474.

The best days of Cassiar had departed; yet its decline was very gradual. In 1877 the Gold Commissioner reported that Dease Creek had produced \$81,300, Thibert Creek \$173,700, and McDame Creek \$144,800. When to these were added the production of smaller creeks, the total for the fourth year was \$499,300. This amount divided amongst the one thousand, two hundred miners (of whom three hundred or four hundred were Chinese) showed but small wages. Indeed, it can be truthfully said that Cassiar, with the exception of a few shining instances, simply yielded to its miners good wages. In the beginning the diggings being shallow and the lead somewhat constant, men, who had become attached to the life, clung to it, finding steady wages, but the influx of 1876 and 1877 was more than the territory could carry and men were thus forced to work in spotted ground where the best would only be wages, with the result that, especially in the latter year, many were at the end of the season practically destitute and had not even the means of paying their passage out of the country.<sup>5</sup> McDame Creek produced in 1877 the largest nugget ever found in the province, \$1,300; Dease Creek had until that date held the palm—its largest lump being \$800, found in 1875.<sup>6</sup>

Yet this very reason accounts for its gradual decline. That process was so slow that, in 1880, Cassiar produced nearly \$300,000 to the eight hundred miners then working. In the following year the return was about \$200,000 to six hundred and fifty miners. The trinity of creeks, Dease, Thibert, and McDame, were still producing. In 1882 those three creeks produced \$150,000 for the three hundred miners working on them in that year. Thus steadily, but surely, the output of gold from Cassiar decreased, till in 1896 the three creeks yielded but \$22,000, and there were not more than twenty white miners in

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<sup>4</sup> Mining Report, 1877, p. 410.

<sup>5</sup> Mining Report, 1878, p. 400.

<sup>6</sup> Directory, 1882-3, p. 363.







VAN WINKLE, WILLIAMS CREEK



The Court House

The Magistrate's Residence

The Judge's Residence  
Miner's Cabin in foreground

RICHFIELD

the whole district—the last faithful remnant of admirers of the fickle goddess, clinging to her service year after year in the hope of better times or of some rich strike to reward their devotion.<sup>7</sup>

While Omineca and Cassiar were attracting attention, Lightning Creek in Cariboo made a spurt and great things were hoped of it. Like all the others, it had been abandoned for Williams Creek, but now that famous creek was a mere shadow of its former self. For instance, in 1875, its whole returns were \$68,000—an amount easily exceeded by many a single day's work in 1861, 1862, or 1863. In 1861 and 1862 many miners had tried the upper portion where Ned Campbell had extracted so much in the former year, and between Eagle Creek and Amador, a distance of about four miles, the ground was all occupied. Last Chance Creek, almost opposite the town of Stanley or Van Winkle, is said to have yielded in that year \$250,000. But below Van Winkle Creek the attempts to find the old channel failed because of inadequate pumping machinery. By 1864 all claims below Amador Creek were abandoned. In 1870 the Davis, Ross, and Lightning companies, operating above Amador Creek, succeeded in sinking to the old channel and obtaining good prospects. Impelled by these successes, the Van Winkle, Victoria, and Vancouver companies, whose claims were near the town of Van Winkle, tried the plan of sinking in the solid bed-rock and drifting from the bottom of the shaft into the channel, thus avoiding the surface water, the deep miner's most indomitable enemy. Soon the whole creek for a distance of five miles below Van Winkle town was staked off. Then the Vulcan, Costello, Gladstone, and Eleven of England, following the same plan, installed heavy and costly machinery to keep the water under control and enable the work to be prosecuted. The two former struck pay in 1875. Up to November 1, 1875, the returns from the various claims on Lightning Creek were: Dutch and Siegel (later called the Providence), \$130,000; Dunbar, \$30,000; Discovery and Butcher, \$120,000; Campbell and Whitehall, \$200,000; South Wales, \$141,531; Lightning, \$153,962; Point, \$136,625; Spruce, \$99,908; Costello, \$20,476; Vulcan, \$56,955; Vancouver, \$274,190; Victoria, \$451,642; Van Winkle, \$363,983.<sup>8</sup>

The Gladstone in which Mr. Charles Wilson, K. C., was a prominent shareholder, was a complete failure; up till November, 1875,

<sup>7</sup> Mining Report, 1896, p. 664; Through the Sub-Arctic Forest, p. 58.

<sup>8</sup> Mining Report, 1876, p. 609.



it had swallowed \$54,000 and was not in the channel. The Costello expended to the same date \$71,345, of which \$37,493 represented the outlay before reaching the channel, so that it cost that company \$33,852 after reaching the gold-bearing stratum to take out \$20,476, and generally it may be said, with regard to the above tabulation, that the expenses were so great that the returns were in most cases very much reduced. In 1876 the Eleven of England, struck the channel, but though the yield gradually increased, it did not reach really paying quantities. In that year the damage caused by high water and the expense of pumping out the mines and keeping them clear of water left but a small margin of profit. The returns from Lightning Creek were about \$500,000 less than those of the preceding year. As was frequently the case in Cariboo, separate runs of gold were found at different elevations. Thus the Butcher and Discovery bench was opposite the South Wales, the former high above the present stream, the latter deep under the opposite bank.<sup>9</sup>

On Williams Creek the days of hydraulic mining had come—the cleaning-up days, so to speak. For hydraulic mining is the last resort; ground which will not pay under that process is useless. The Forest Rose, St. George, and Black Jack gave their shareholders good returns by this form of mining; but it is a kind of mining which is of little value to the working miner, for after the preliminary work is completed and the water brought upon the ground it furnishes employment to very few men.

Inspired by the example of Lightning Creek, an attempt was again made to bottom on Jack of Clubs Creek, but that miserly stream in the '70s, as in the '60s, took all and returned nothing. So, too, on Antler Creek, the Nason Company expended \$30,000 in attempting to reach its deep channel, but obtained no returns.

Thus, in spite of all hopes to the contrary, the conviction was gradually forced upon the public that the alluvial diggings on all the creeks of British Columbia from Wild Horse to McDame were exhausted, and that while here and there a momentary excitement might arise or a rich pocket be struck, these events were merely the flickerings of the dying candle.

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<sup>9</sup> Mining Report, 1876, p. 608; 1877, p. 418.







Before passing away from the era of placer mining, it may be useful to quote an incident recorded in 1876. "Owing to the severe cold the (Quesnel) river fell unusually low in February and March last, giving the Chinese a good chance of working amongst reefs and shoals to advantage. They adopted a new style of mining on the south fork; rafts of logs were moored in the stream, on which were generally three celestials, two of whom had shovels and picks, with handles eight to ten feet in length, for scooping the dirt from the bottom of the river, which the third person passed through his rocker; although a tedious process, they managed to get from \$3 to \$4 per man per diem of only a few hours. I saw nearly every day's proceeds, therefore feel quite safe in stating that at least \$3,000 can be added to the estimated yield of the claims. \* \* \* The Chinese have it all their own way; the white miner seems to have set his face against this part of the country, or rather than take the chances of \$4 diggings he will hunt till he nearly starves, searching for better; not so with the Chinaman; if he gets a claim that will pay fair wages he sticks to it, and if it pays better, so much for luck; anyway, it is better than running over the country after an uncertainty." <sup>10</sup>

In concluding this subject, a detailed statement compiled by Mr. John Bowron, the Gold Commissioner for Cariboo, is reproduced, showing the output of Williams Creek from the lower end of the Ballarat claim, about eight hundred feet beyond Marysville, to McCallum Gulch above Richfield, a distance of two and one-half miles. The figures are only approximate, but represent the best opinion and information thereon:

Columbia, \$25,000; Farmer, \$25,000; Union, \$50,000; Marysville, \$300,000; Phelan, \$250,000; Hart, \$250,000; Oram, \$75,000; Adams, \$300,000; Elliott, \$100,000; Bruce, \$100,000; Rankin, \$75,000; Prince of Wales, \$250,000; Chee Chee, \$50,000; Dead Broke, \$150,000; Prairie Flower, \$100,000; Cameron, \$800,000; Forest Rose, \$480,000; California Tunnel, \$25,000; Wattie, \$300,000; Tinker, \$300,000; Moffatt, \$250,000; Last Chance, \$150,000; Beauregard, \$100,000; Star, \$50,000; McLean, \$50,000; New York, \$50,000; Grizzly, \$50,000; Caledonia, \$750,000; Never Sweat, \$250,000; Nevada, \$25,000; Morning Star, \$50,000; Lillooet, \$100,000; Mosier, \$50,000; Borealis, \$50,000; Aurora, \$850,000; Watson, \$150,000;

<sup>10</sup> Mining Report, 1877, p. 420.

Davis, \$350,000; Cariboo, \$300,000; Pocahontas, \$125,000; Walsh, \$75,000; Wake-up Jake, \$175,000; Australian, \$100,000; Baldhead, \$350,000; Michaels, \$50,000; Saw Mill, \$150,000; Ericsson, \$500,000; Hibernia, \$50,000; Barker, \$600,000; Sheepskin, \$150,000; Eagle, \$10,000; Sheepshead, \$25,000; Loring, \$10,000; Foster-Campbell, \$125,000; Canadian, \$350,000; Diller, \$350,000; Chips, \$75,000; Black Jack and Burns Tunnel, \$675,000; Discovery, \$50,000; High Low Jack, \$50,000; Pioneer, \$75,000; Floyd, \$100,000; Alturas, \$275,000; Taff Vale, \$300,000; Jenkins, \$175,000; Mucho Oro, \$50,000; Wyoming, \$50,000; Cunningham, \$250,000; Bell and Fulford, \$75,000; San Francisco, \$50,000; Adams, \$75,000; Greer, \$125,000; Abbott, \$150,000; Tontine, \$50,000; 12-ft. Davis, \$15,000; Little Diller, \$25,000; Point, \$100,000; Steele, \$600,000; Tyack, \$75,000; Six-Toed Pete, \$50,000; Cornish and French, \$200,000; Browse, \$100,000; Steadman, \$50,000; Dutch Bill, \$200,000; Red Jacket, \$25,000; Scott, \$25,000; Wilson, \$200,000; Wheal Mary Ann, \$100,000; Casket, \$50,000; Excelsior, \$50,000; Forward, \$100,000; Co. O., \$55,000; Rising Sun, Allen and Sunflower, \$75,000; Jenny Lind, \$125,000; Wide West, \$125,000; Deadwood, \$25,000; Reed, \$125,000; Hurdy, \$25,000; Downie, \$100,000; Perseverance, \$25,000; Phoenix, Bradley-Nicholson, British Queen, \$680,000; San Juan, \$55,000; total \$17,355,000.

To this amount must be added: Eureka Gulch, McArthur's Gulch and Valley Mountain, \$200,000; Williams Creek, Bedrock Flume, \$200,000; Walker's Gulch, \$100,000; Conklin's Gulch, \$765,000; Sundry claims, \$500,000; McCallum Gulch, \$200,000.

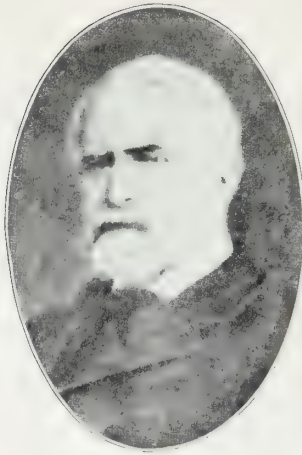
The combined total gives the output of this short distance at the enormous sum of \$19,320,000.







SIR JAMES DOUGLAS  
Vancouver Island and  
British Columbia  
(1851-1864)



RICHARD BLANSHARD  
Vancouver Island  
(1849-1851)



FREDERICK SEYMOUR  
(1864-1869)



ARTHUR E. KENNEDY  
(1864-1866)



ANTHONY MUSGRAVE.  
C. M. G.  
(1869-71)



A. M. RICHARDS  
(1876-81)



SIR JOSEPH TRUTCH  
(1871-6)

GOVERNORS OF VANCOUVER ISLAND AND BRITISH COLUMBIA

## CHAPTER XVII

### CONFEDERATION

Even while the absorbing question of the union of the two colonies was being discussed, some of the far-seeing colonists were watching the actions of the delegates from Upper and Lower Canada, Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland then engaged in the consideration of a basis of confederation. While the British North America Act was passing through the Imperial Parliament it happened that the first Legislative Council of the United Colonies was in session. Mr. Amor De Cosmos introduced, on March 10, 1867, a resolution asking for the admission of the colony into the confederation, and on the 18th the Council unanimously resolved that the Governor be requested to take steps to insure admission on fair and equitable terms, being confident that in so acting they were expressing the views of the people as a whole.<sup>11</sup> It was plain that this resolution must be fruitless, so long as the intervening territory was under the control of the Hudson's Bay Company.

Although the union had given a certain amount of relief from the almost intolerable financial burden borne by an isolated community of less than ten thousand, the people were despondent and looking for some change which might lift this weight from them. The public debt amounted to almost \$1,500,000, and out of a revenue of about \$475,000 in 1866, some \$110,000 was absorbed by interest and sinking fund alone.<sup>12</sup> Then, too, the reductions in the Civil List, although considerable, left the country still over-staffed and the officials over-paid. Thus it came about, owing to Governor Seymour's weakness, that the great reduction which had been expected and should have been realized in the Civil List, as a result of the

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<sup>11</sup> Confederation Papers, p. 11.

<sup>12</sup> *British Columbian*, April 29, 1868.

union, proved illusory.<sup>13</sup> Gold production was steadily decreasing in Cariboo, the Big Bend had proved a complete fiasco, Bridge River and other scattered mining regions yielded but sparingly. Bankruptcies were of constant occurrence; the population was dwindling. It was the period of transition. Practically no industries had as yet been established. Agriculture was in its infancy. Over \$500,000 of farm produce was imported in 1866. The disastrous effects of the huge system of credit which had prevailed for years were being felt.<sup>14</sup>

The colony was divided in opinion between annexation to the United States and confederation with Canada. It had been seen that the two colonies could not stand separately; united, their chance of stability was but little improved. Bitter were the complaints that the Mother Country had been more prodigal of advice than of the substantial aid which a young struggling colony requires. From the time of the gold excitement of 1858 many Americans had been resident in both sections of the colony; the access to the outside world was through San Francisco; most of the business was done with that city and the American ports on Puget Sound; Canada was far away, separated by trackless mountains and uninhabited prairies; it is but small wonder that a real annexation party arose. In this connection reference may be made to the famous, or infamous, Banks' Bill. On July 2, 1866, Major Banks introduced into the House of Representatives of the United States "a bill for the admission of the States of Nova Scotia, New Brunswick, Canada East, and Canada West, and for the organization of the Territories of Selkirk, Saskatchewan, and Columbia."<sup>15</sup> It contained twelve articles, covering about eight octavo pages, setting out a detailed scheme for the absorption of British North America. The plan was very simple; the bill was an offer to all and every of these colonies to become a part of the United States, and upon any one or all of them signifying acceptance and depositing the consent of Great Britain, the President should publish by proclamation that from such date the States of Nova Scotia, New Brunswick, Canada East, and Canada West, and the Territories of Selkirk, Saskatchewan, and Columbia, or such of them as accepted, were constituted and admitted into the Union. The condi-

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<sup>13</sup> *British Columbian*, Aug. 19, 1868.

<sup>14</sup> Alston's *British Columbia*, p. 4.

<sup>15</sup> Watkin, *Canada and the States*, p. 228.

tions were quite liberal. In exchange for the public lands, canals, harbours, etc., the United States were to assume and discharge the funded debts and contingent liabilities of "the late provinces" to the extent of \$36,500,000, and for the import and export duties to make an annual grant of \$1,646,000 in aid of local expenditures. In the arrangements for representation the Territory of Columbia (i. e., British Columbia) was to be placed on the footing of Montana. A system of canals, a railway from Bangor, Maine, to St. John, from Truro to Rivière du Loup, and from Ottawa by way of Sault Ste. Marie and the North Saskatchewan to the Pacific, north of 49°, were to receive generous assistance. Recognizing the influence of the Hudson's Bay Company and the necessity of ending its reign in the Northwest, the United States were to pay \$10,000,000 for a full discharge of its claims.<sup>16</sup> The reader who desires to follow this matter further will find the bill *verbatim* in Sir E. W. Watkin's Canada and the United States.<sup>17</sup> The bill was still-born. Yet that such a scheme should have been actually formulated shows that the annexation movement was one to be reckoned with. Certainly it had, in British Columbia, the support of two of the strongest newspapers and of some very prominent men—most conspicuous among whom was Dr. J. S. Helmcken. It is singular that the British Ambassador took no notice of this insulting bill.

During a debate in the House of Commons, in June, 1868, Viscount Milton, who, as a result of his overland voyage and his few months' residence in British Columbia, spoke as one having authority, stated that the intimate trade relations had created a desire in the colony to join the Union, and that if Britain desired to retain it, something more substantial than advice and vague promises must be given. Alfred Waddington set forth in his petition as an argument for railroad connection that the people of British Columbia were disaffected and looking for union with the United States.<sup>18</sup> Dr. J. S. Helmcken remarked that the colonists "care little or nothing about the distinction between the form of government of Canada and that of the United States."<sup>19</sup> But these persons mistook the intemperate and unweighed words of dejection and disappointment for the expres-

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<sup>16</sup> *British Columbian*, Sept. 1, 1866.

<sup>17</sup> *Op. Cit.*, p. 228, et seq.

<sup>18</sup> *British Columbian*, Aug. 22, 1868.

<sup>19</sup> *Year Book*, 1897, p. 48.



sions of deliberate conviction. In its innermost feelings the colony, as a whole, was truly loyal; yet this does not imply that the annexation movement was not real.<sup>20</sup> In 1867 a petition was sent to the Home Authorities requesting that the colony be relieved from her host of officials and her burden of debt or be allowed to cast in her lot with the United States, and setting forth that, while desiring to retain their allegiance, yet their isolated situation and their intimate business relations with the United States impelled a movement towards annexation.<sup>21</sup> The people of the United States came to regard union with them as the manifest destiny of this province. This was put forward by the Committee of the Senate as one of the reasons for the early construction of the Northern Pacific Railway.<sup>22</sup> Annexation dangled a bait in doggerel, in which the following stanza occurred:

"You want the mail,  
You want the rail,  
You want the cars to hie on.  
Come join us and we'll thread your land  
With passage ways of iron."

In this connection it was rumored that negotiations were pending whereby British Columbia would be traded to the United States in exchange for a clear release from the Alabama claims.<sup>23</sup>

The annexation movement was confined to Vancouver Island; Amor De Cosmos, the editor of the *Standard*, vigorously combatted it and stood forth as one of the earliest and most consistent supporters of confederation. The mainland was the home of confederation.

On January 29, 1868, a meeting was held in Victoria in the interests of confederation. Amor De Cosmos, who had just returned from Ottawa, presented a resolution asking the admission of British Columbia into the newly-formed Dominion of Canada on fair and equitable terms, "and that an essential condition of such admission should be the construction by the Dominion Government, within two years, of a transcontinental wagon road connecting Lake Superior

<sup>20</sup> Alston's *British Columbia*, p. 5.

<sup>21</sup> *British Columbian*, May 18, 1869.

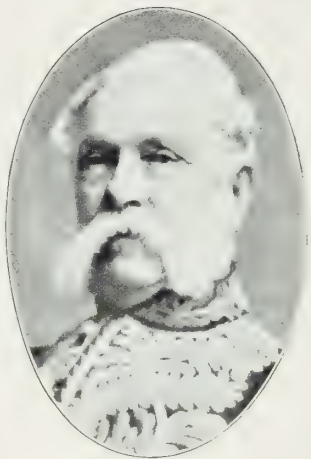
<sup>22</sup> Report of U. S. Senate on Pacific Railways, 1869, cited in *British Columbian*, May 18, 1869.

<sup>23</sup> *Id.*, Sept. 11, 1867.





C. F. CORNWALL  
(1881-7)



EDGAR DEWDNEY  
(1892-7)



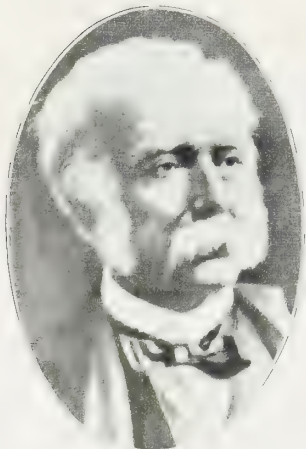
T. R. McINNES  
(1897-1900)



JAMES DUNSMUIR  
(1906-9)



HUGH NELSON  
(1887-92)



SIR HENRI JOLI DE  
LOTBINIERE  
(1900-6)



THOMAS W. PATERSON  
(1909)

GOVERNORS OF VANCOUVER ISLAND AND BRITISH COLUMBIA

and the head of navigation on the lower Fraser." A committee consisting of Lumley Franklin, Amor De Cosmos, I. W. Powell, H. E. Seelye, Henry Wootton, J. R. Findlay, R. Wallace, and James Trimble, was appointed to wait upon Governor Seymour to urge action and to take steps to promote the interests of the confederation movement. A lengthy memorial to the Dominion Government was prepared, setting forth the conditions of the colony and stating that public opinion favoured union with Canada. The following reply was received on March 25, 1868: "The Canadian Government desires union with British Columbia and has opened communications with the Imperial Government on the subject of the resolutions, and suggests immediate action by your Legislature and passage of an address to Her Majesty regarding union with Canada. Keep us advised of progress."

In opening the session of the Legislative Council in 1868, Governor Seymour referred to the proposals for union with Canada as the expression of a disheartened community longing for a change of any kind. This did not augur much active assistance in that quarter. Nevertheless, Mr. De Cosmos introduced, seconded by Capt. E. Stamp, an address to the Queen setting out in a general way a basis of union. The principal terms suggested were that Canada should assume British Columbia's debt up to \$1,500,000, pay annually for the support of the local Government and Legislature \$110,000, and a further sum equal to 80 cents per head on a population of forty thousand; that all Crown lands, mines, minerals, and royalties, all stocks, cash, bankers' balances, and securities for money and all public works and property of British Columbia, should remain her property; Canada to commence within one year and complete within three years a good overland wagon road from Lake Superior to the head of navigation on the lower Fraser; British Columbia to have two members in the Senate and three in the Commons; in all other matters the general arrangements of the British North America Act were to govern.<sup>24</sup>

Mr. Wood moved, in amendment, seconded by Capt. H. M. Ball (both being magisterial members), "That this Council, while confirming the vote of last session in favour of the general principle of the desirability of the union of this colony with the Dominion of

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<sup>24</sup> Confederation Papers, p. 13.



Canada, to accomplish the consolidation of British interests and institutions in North America, are still without sufficient information and experience of the practical working of confederation in the North American provinces to admit of their defining the terms on which such a union would be advantageous to the local interests of British Columbia." <sup>25</sup>

The amendment was carried by twelve to four—only Messrs. Stamp, De Cosmos, Robson, and Walkem voting in favour of the resolution. Those who supported the amendment shelving the proposition did not attempt to deny that union on the basis proposed would be a great benefit. Objections to the representation offered, and suggestions that Canada might not fulfil the conditions after union had been consummated, were the two arguments most urged. Three popular members—Helmcken, Pemberton, and Smith—voted with the majority. The amendment smacked of the Governor's usual procrastinating policy and it was hinted that he and the official members were blocking the movement because of the personal interests of the latter. <sup>26</sup>

In May, 1868, the Confederation League was formed. Its executive consisted of James Trimble, Capt. Edward Stamp, Dr. I. W. Powell, J. F. (later the Hon. Mr. Justice) McCreight, Robert Beaven, J. D. Norris, George Pearkes, R. Wallace, C. Gowen, M. W. Gibbs, a prominent negro, Amor De Cosmos, and George Fox. During the early summer of 1868 branches of the Confederation League were established in New Westminster, Hope, Yale, and Lytton; and Mr. De Cosmos visited Cariboo to organize there and arrange for representatives to be sent to a convention at Yale. On July 1st, a meeting was accordingly held at Barkerville, at which resolutions were passed condemning the Government for its opposition to confederation and favouring "some organized and systematic mode of obtaining admission to the Dominion of Canada." <sup>27</sup> In an eloquent address, Mr. J. Spencer Thompson, who had been a representative of Hope District in the Reform League of 1861, and who later became the first member for Cariboo in the House of Commons, put the popular view: "There can be no question as to the almost unanimous feeling throughout the colony in favour of confederation. Public meetings

<sup>25</sup> Confederation Papers, p. 15.

<sup>26</sup> *British Columbian*, April 29, 1868.

<sup>27</sup> Year Book, 1897, p. 52.

have been held everywhere from the mountains to the sea, from Victoria to Cariboo. The entire press of the colony, whatever their opinions on other subjects may be, hold but one on this. Even the Government has declared itself in its favour; but though the Legislative Council of 1867 passed a resolution in favour of confederation, the official members in the session of 1868 annulled that resolution on the ground that delay was necessary. Delay! Delay for what? To enable them to retain their offices a little longer, and stave off for a year, at least, the inevitable event which must seal their doom."

In August, 1868, appeared, above the signature of Robert Beaven the Secretary, notices summoning the Yale Convention. The delegates who assembled there on September 14, 1868, were: Victoria, R. Wallace, Amor De Cosmos, James E. McMillan, J. D. Norris; Salt Spring Island, M. W. Gibbs; Metchosin, Thomas Fulton; Esquimalt, J. B. Thompson and W. Fisher; New Westminster, Henry Holbrook, John Robson, Dr. A. W. S. Black, David Withrow; New Westminster District, D. W. Miller; Yale, Charles Evans, Adam McLarty, Henry Havelock; Yale District, Alexander Rose; Lytton, R. Smith; Quesnelmouth, J. C. Armstrong; Williams Lake, F. J. Barnard; Cariboo, E. H. Babbitt, W. C. King; Lillooet, H. Featherstone; Burrard Inlet, Hugh Nelson; Harrison River, James Donnelly; Lac La Hache, Dr. Browse.

The Yale Convention has been much derided; it has been the fashion, either not to notice it at all, or to sneer at it as an enlarged edition of the "Three Tailors of Tooley Street." Yet the list of delegates is fairly representative. It includes six persons who then held or had held seats in the Legislative Council, and one who later became Lieutenant Governor of the province. Except for its repudiation by some of the people of Victoria under the guidance of Dr. J. S. Helmcken, who led the annexation forces, then dwindling to a forlorn hope, it received the approval and support of the colonists as a whole.<sup>28</sup> As an endorsement by the people of the outline of terms set out in Mr. De Cosmos's resolution, and as an outspoken demand for retrenchment, it assumes a prominent place in our history. The thirty-seven resolutions passed by the Convention dealt with these two subjects almost entirely.

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<sup>28</sup> Confederation Papers, p. 26.

After declaring that all government should exist by the free consent of the governed, and claiming that the existing form of Government, inasmuch as it infringed this principle, was a despotism, it was alleged that, therefrom, flowed the ills of the country—disregard of public opinion—neglect of public interests—high taxation—annual deficits—annually increasing public debt—and the unnecessarily large number of officials, receiving unnecessarily large salaries. To remedy this condition immediate union with Canada and the establishment of representative institutions and responsible government were prescribed. The terms of union suggested were similar to those embodied in Mr. De Cosmos's resolution of the preceding April, except that Canada was now asked to take over the whole debt of the colony and to establish a free port on the Pacific. Representative institutions and responsible government were necessary that the people might control the policy, which, it was alleged, was now merely the whim of the Governor echoed by the official majority of the Council. The resolutions went on to complain of the non-union of the Supreme Courts of Vancouver Island and British Columbia, the failure to form a Court of Appeal, and the injury to the public service by the absence of the magistrates from their districts during the session.

In taking up the question of retrenchment, the resolutions descended to particulars. The Governor's salary was first attacked. Why, it was asked, should \$20,000 (being the total of his salary, allowances, and perquisites) and a residence be paid for a population of about ten thousand, while Ontario, with its million and a half people, paid but \$8,000. The salary and assistance of the Colonial Secretary, the Chief Commissioner of Lands and Works, the Registrar-General, Attorney-General, Treasurer, and Auditor-General, were severally attacked, and so on down the list, even to the number of constables and the expenses of the Judge and Registrar on circuit, and in each case it was suggested that the salary should be reduced, or some official dispensed with, or some other saving effected. Thus a reduction of about \$60,000 a year could and should be made, without impairing, in the least, the efficiency of the public service, or endangering the security of life and property, or the maintenance of order. The enormous burden of \$150,000 annually for interest and sinking fund on the public debt called for strict economy, yet it was alleged that extravagance was rampant, creating a deficit of

\$170,000 in 1866, and probably about \$130,000 in 1867. In the latter year the revenue, exclusive of loans, was \$475,250, and the expenditure, admittedly incomplete, \$560,159, of which only \$52,000 had been spent on public works. The estimated receipts for 1868 were \$576,000 and the estimated expenditure \$572,553, but of this, only \$55,800 was for public works, and even out of this pittance (as compared with the whole), \$12,000 were appropriated for unnecessary additions to the Governor's residence and to the Land Office, while roads and bridges necessary for the settlement and development of the country were refused.

Having given their opinion on the financial condition, the delegates passed on to matters of policy. They complained that no comprehensive quartz-mining act had been passed, that no progressive Indian policy had been adopted, that education had been neglected, and that no systematic or continuous effort to induce immigration had been made. From the negative they went on to the positive and asked that the tolls on the Cariboo road should be abolished and the deficit overcome by retrenchment along the lines indicated; that to invite settlers and facilitate the settlement of the country, grants of three hundred and twenty acres of land should be made to actual settlers, and that steps should be taken to include British Columbia in the Reciprocity Treaty with the United States, then under consideration, that her lumber, coal, and fish might obtain free entry to that country and thus these industries be stimulated.<sup>29</sup>

These resolutions were transmitted by Governor Seymour to the Home Authorities. Uncertainty marks this, as it does every other of his important despatches. He is not able to tell what to do—not able, as he says, to see a clear path in regard to representative institutions and responsible government. But the Governor's failings are so clearly shown in his remarks on the retrenchment asked for, that the typical paragraph is inserted. He says: "The Convention then urges retrenchment. We have an enormous amount to pay for interest on loans, nearly a third of our income. Were we free from debt, our finances would be in a most flourishing condition. I am not answerable for the debt. It was not incurred by me, yet it devolves upon me to pay, and I believe that the doing so is the principal cause of the outcry of 'miserable misgovernment.'

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<sup>29</sup> *British Columbian*, Sept. 16, 1868; Confederation Papers, pp. 18-26.



Reductions in salaries to the extent of upwards of \$80,000 have been made by me during my tenure of office. I have never appointed anyone higher than a constable, and have no hope of doing so during my incumbency of office.”<sup>30</sup> Weak! Childish! Inapt! What word is there in this answer to meet any of the specific instances pointed out by the Convention where economy could be effected? And his reply has not even the merit of being frank, for the reductions he speaks of arose from the partial abolition of the double staff of officials at the union.

The Legislative Council, which had existed during 1867 and 1868, was dissolved and a new Council formed in December, 1868. The constitution of that House has been already given; it has been pointed out that Amor De Cosmos, the champion of confederation, lost his seat in Victoria, which now returned two opponents of confederation; of the elected or selected members of the old Council only John Robson and J. S. Helmcken had seats in the new House. The four popular members from the island were opponents of confederation; the four popular members from the mainland were its supporters. The fifth district on the mainland—Kootenay—was not represented during this session, although Mr. Edgar Dewdney had been elected as its member.

The Governor's reference to confederation in the opening speech was simply to accent the difficulties in the way. Though the feeling flourished on the mainland, and was gaining ground on the island, it pined in the Council. Hitherto its supporters had brought it forward for approval; now its opponents felt strong enough to introduce a condemnatory resolution. Dr. J. C. Davie, the member for Victoria District, on February 17, 1869, moved, and T. L. Wood, an official member, seconded a resolution that: “This Council, impressed with the conviction that under existing circumstances the confederation of this colony with the Dominion of Canada would be undesirable, even if practicable, urge Her Majesty's Government not to take any decisive steps towards the present consummation of such union.” This passed, eleven to five. Those who supported confederation were the four popular members from the mainland and George A. Walkem, holding a seat as a magisterial member.<sup>31</sup> In prorog-

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<sup>30</sup> Confederation Papers, pp. 16, 17.

<sup>31</sup> *British Columbian*, Feb. 20, 1869.

uing the House the Governor did not allude to the subject. Surely the darkest hour is just before the dawn.

From the outset it had been recognized that nothing practical could be accomplished so long as the Hudson's Bay Company had control of the intervening territory. The negotiations for the purchase of that company's rights do not enter into our history; but when, in the summer of 1869, that territory passed into the Dominion, the way became open for effective action.

An interesting letter from Sir John A. Macdonald, the Premier of Canada, to the Governor-General in 1869 shows his desire to round out the Dominion by the inclusion of British Columbia, and, incidentally, that the attitude of the Legislative Council was the result of Governor Seymour's influence. The vacillation shown by it and the temporizing nature of its resolution bear the stamp of the Governor's mind.

"I enclose a letter from a newspaper man in British Columbia to Mr. Tilley, giving, I fancy, an accurate account of affairs in that colony. It corroborates the statements of Mr. Carroll, whose letter I enclosed you some time ago. It is quite clear that no time should be lost by Lord Granville in putting the screws on at Vancouver Island, and the first thing to be done will be to recall Governor Seymour, if his time is not yet out. Now that the Hudson's Bay Company has succumbed and it is their interest to make things pleasant with the Canadian Government, they will, I have no doubt, instruct their people to change their anti-Confederate tone. We shall then have to fight only the Yankee adventurers and the annexation party proper, which there will be no difficulty in doing if we have a good man at the helm.

"It has been hinted to me that Mr. Musgrave, whose time is out in Newfoundland, would have no objection to transfer his labours to British Columbia. Such an appointment would be very agreeable to the members of your Government and to the country generally. Mr. Musgrave has acted with great prudence, discretion, and loyalty to the cause of confederation. He has made himself very popular in Newfoundland, and I have no doubt would do so on the Pacific as well, if he had the chance. Almost everything, I may say, depends upon the choice of the Governor, as we found to our cost in New Brunswick, where we were thwarted, and for a time, defeated

by the Lieutenant-Governor, Mr. Gordon, Lord Aberdeen's son, who took strong grounds at first against us. All his subsequent endeavors on the other side, after receiving instructions from the Colonial Office, were fruitless, as his private opinion was known to every one; hence the necessity for his removal to Trinidad and the substitution of General Doyle."<sup>32</sup>

About this time Governor Seymour's health began to fail. As early as January, 1869, rumors were current that he was about to apply for leave of absence. Numerous Indian troubles, inter-tribal and with the settlers, induced him, however, though in feeble health, to forego this intention and to proceed northward for the purpose of making a personal investigation. The principal difficulty was a series of murders—a sort of Corsican vendetta—which had occurred between the Nass and Tsimshian Indians, arising out of the accidental killing of a Nass Indian during the drunken orgies at a wedding feast. On May 17, 1869, in company with Mr. Joseph W. Trutch, the Governor sailed on H. M. S. *Sparrowhawk* for Metlakhtla, Queen Charlotte Islands, and the vicinity. After a patient and earnest investigation, he succeeded in settling the whole trouble. It is said that the anxiety and fatigue consequent thereupon so wrought upon his already weakened constitution as to accelerate or superinduce the fatal disease, dysentery. His condition becoming serious, the *Sparrowhawk* sailed from Queen Charlotte Islands for the mainland, but the disease rapidly overcame his vitality, and he died at Bella Coola on June 10th. The vessel was at once headed for Esquimalt, arriving on the 13th. The funeral took place on the 16th. The pall-bearers were Sir James Douglas, K. C. B., Chief Justice Needham, Captain Edye, R. N., and Captain Mist, R. N. The interment was in the Naval Cemetery at Esquimalt, with full military honours.<sup>33</sup>

In a word or two may be summed up Governor Seymour as he appears in British Columbia, 1864 to 1869. A genial, pleasant gentleman, fond of good living, of society, and of social functions; gratified when he could report to the Colonial Minister that on his return, in 1866, he had given three balls in one month to mollify Victoria;<sup>34</sup> a man who would have suited admirably as a Governor under a

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<sup>32</sup> Pope's Life of Sir John A. Macdonald, vol. 2, p. 143.

<sup>33</sup> *British Columbian*, May 18, June 16, July 16, 18, 1869.

<sup>34</sup> Union Papers, May, 1867, p. 32.

responsible government (which he so greatly abhorred), or even as a Colonial Governor under prosperous conditions, but who was a failure in British Columbia because his lot was cast in a time of great depression, which required a man of strong mind and firm determination. He was vacillating, lymphatic, procrastinating, anxious to do what was right, but lacking the firmness to carry it through. The very length of his despatches, messages, and speeches shows lack of concentration and determination—in some of his later despatches he actually states his inability to decide the question, or advise the Colonial Office regarding the course to be pursued. His failings were of omission, rather than of commission. His course with regard to the Grouse Creek war, the union of the colonies, and the change of the capital is typical—a study of it will show that our estimate of him is correct.

On the afternoon of June 14th, the sad news of the Governor's death was sent by telegraph to the Colonial Office; before the same hour on the 15th a reply had been received from Lord Granville that Mr. Anthony Musgrave had been appointed as his successor and would sail immediately. In explanation of this extraordinary celerity it should be stated that Governor Seymour had, early in the year, notified the Colonial Minister that he intended, soon, to apply for sick leave; Mr. Musgrave, in accordance with Sir John A. Macdonald's wish, had been fixed upon to succeed him, and correspondence had passed between them in reference to the contemplated change. It happened that Mr. Musgrave was in London when the news of Governor Seymour's death arrived and he was instantly appointed.<sup>35</sup>

Mr. Musgrave was born in the Colony of Antigua in 1828; he studied for the bar at the Inner Temple; was appointed Colonial Secretary of Antigua in 1854; in 1860 he became Administrator of the Colony of Nevis; in 1861, Administrator of the Government of St. Vincent; in 1862, Lieutenant-Governor of St. Vincent, and in April, 1864, he was appointed Governor of the Colony of Newfoundland.<sup>36</sup> He was a liberal in politics, and a strong and consistent advocate of the great scheme of confederation. He enjoyed

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<sup>35</sup> *British Columbian*, June 18, 1869.

<sup>36</sup> *Id.*, June 18, 1869.



the reputation of being very energetic and possessed of more than ordinary administrative ability.

The official notification of his appointment dated June 17, 1869, contains this sentence: "I shall probably have occasion to address you on the question now in agitation of the incorporation of British Columbia with the Dominion of Canada."<sup>37</sup>

Governor Musgrave reached Victoria on August 23rd. His arrival ended the reign of Mr. Philip J. Hankin, R. N., Colonial Secretary, who had been Administrator of the Government since June 14th.

The new Governor soon made public an important despatch from the Secretary of State for the Colonies dated August 14, 1869, which, after stating that the territory east of the Rockies would be incorporated with the Dominion of Canada, went on to ask whether British Columbia should hold itself aloof. Though the colony did not seem unanimous, Lord Granville said that Her Majesty's Government were unhesitatingly in favour of union with Canada. He then marshalled the arguments in support and bluntly announced that as British Columbia was a Crown Colony the Home Government felt bound "to give for the consideration of the community and the guidance of Her Majesty's servants a more unreserved expression of their wishes and judgment than might be, elsewhere, fitting."<sup>38</sup> This despatch, the Governor was ordered to publish. He was also requested to take such steps as he properly and constitutionally could for promoting the favourable consideration of the question.

The Governor himself, owing to his having had, in November, the misfortune to break a leg while training a filly, was confined to his room and unable to open in person the session of the Legislative Council in February, 1870. His address was read by the Hon. Philip J. Hankin, Colonial Secretary. He told the House that to trifle with the matter further would be discourteous and that, with the aid of his Executive Council, a scheme had been prepared for their consideration on the basis of making an offer which the colony would immediately accept if made to them. The terms he suggested are interesting for comparison with those contained in Mr. De Cosmos's resolution of April, 1868, and with the final Terms of

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<sup>37</sup> Pope's *Life of Sir John A. Macdonald*, vol. 2, p. 144.

<sup>38</sup> *Confederation Papers*, p. 30.

Union. Epitomized these were: Canada to assume the colonial debt; the population to be taken at one hundred and twenty thousand and, as the debt of the colony was less than that of the other provinces, British Columbia to be allowed interest at five per cent per annum half yearly in advance, on the difference between the actual debt and an estimated debt based upon the average indebtedness per head of the other provinces; the Dominion to make a yearly grant of \$35,000 and 80 cents per head for each inhabitant—on the basis of one hundred and twenty thousand—for the support of the local Government; the rate of 80 cents per head to be continued until the population reached four hundred thousand, at which the subsidy would remain fixed; the surveys for a line of railway to connect the seaboard of British Columbia with the existing railway system of Canada to be commenced at once and a wagon road across the Rockies to be completed within three years after confederation, the railway to be commenced on the Pacific side within the same time, and not less than \$1,000,000 to be spent every year thereafter in its construction; the Canadian Government to guarantee interest at five per cent per annum on a loan of £100,000 for the construction of a Graving Dock at Esquimalt—to provide fortnightly steam communication with San Francisco and regular communication with Nanaimo and the interior—to build and maintain a Marine Hospital and a Lunatic Asylum at Victoria and a Penitentiary in the province—to defray the expenses of the Judicial, Postal, and Customs departments—to use all its influence to retain Esquimalt as a station for Her Majesty's ships—to establish a volunteer force in the colony—to pension those of the present officers of the colony whose services would not be required after confederation; British Columbia to be allowed eight members in the House of Commons and four in the Senate, and to receive the same protection, privileges, and immunities as the other provinces.<sup>39</sup>

On March 9, 1870, the Hon. H. P. P. Crease, the Attorney-General, moved: "That this Council do now resolve itself into Committee of the Whole to take into consideration the terms proposed for the confederation of the Colony of British Columbia with the Dominion of Canada in His Excellency's message to this Council." It will not escape notice that the person now introducing the terms of

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<sup>39</sup> *Mainland Guardian*, Feb. 19, 1870.

confederation was one who, a year before, had voted that under existing conditions confederation was undesirable, even if practicable. Two other opponents of union with Canada had undergone the same change of heart—Mr. Joseph W. Trutch and Mr. Henry Holbrook. Dr. J. S. Helmcken, consistent annexationist, contended that there was no urgency to justify the opening for discussion of a question which had been repeatedly settled by that Council, and that even if British Columbia entered confederation, the probabilities were that the whole Dominion would be absorbed by the United States. Thus he cast our horoscope. Mr. M. W. T. Drake moved the six months' hoist, seconded by Mr. D. B. Ring and supported by Mr. T. L. Wood. They claimed that the union was undesirable, as there could never be any homogeneity between British Columbia and Canada owing to our remoteness, the diversity of interests, and our comparative insignificance. They took objection to the way in which confederation was being forced upon the colony by the Mother Land and they claimed, and perhaps rightly, that if the people accepted union with Canada, it would not be because of any high Imperial, or broad political considerations, but simply because of the material and financial gain which the terms offered them.

Dr. R. W. W. Carroll, Messrs. John Robson, Amor De Cosmos, E. G. Alston, Edgar Dewdney, and T. B. Humphreys supported, as they had ever done, the scheme of confederation. They admitted that some of the terms were capable of improvement, but those details could be arranged in Committee. Mr. Drake then withdrew his amendment and the resolution to go into Committee was passed unanimously.

For ten days the terms were debated. They passed, as submitted, with the exception of two points. The changes suggested were that the annual grant for the support of the local Government should be increased from \$35,000 to \$75,000, and that the limit at which the subsidy of 80 cents a head should become stationary should be altered from four hundred thousand to one million.

The House of twenty-three members which, in 1869, could only muster five supporters of confederation was, in 1870, practically unanimous. And, as has been shown in another chapter, it was, with three exceptions, composed of the same members. Mr. John Robson, in the columns of the *British Columbian*, had prophesied







Standing, left to right: L. Goodacre, C. E. Dooley, J. B. Greaves, J. L. Hughes, Edward Mohun, R. B. McMeeking, J. Boscowitz. Sitting, left to right: C. E. Redfern, W. J. Macdonald, J. R. Anderson, W. J. Roper, J. Clapperton, J. S. Helmcken.

#### PIONEERS OF BRITISH COLUMBIA

that when the Home Government wished the union to come into effect, instructions would be sent out, and the official members of the Council would reverse their votes and poll them in accordance therewith. So it had happened. We know that the support of the magistrates was obtained on Governor Musgrave's assurance that they would be appointed County Court Judges and be independent of the provincial government.<sup>40</sup>

Even more strange than the alteration in the views of the official members which Governor Musgrave had effected was the selection of the delegates to proceed to Ottawa to arrange the Terms of Union. The Legislative Council had voted \$3,000 to defray the delegates' expenses and had left their selection to the Governor. It was expected that Messrs. Amor De Cosmos and John Robson, both very early and unwavering advocates of confederation, would have been members of that body. Mr. Robson was, indeed, asked to act, but his private business prevented his acceptance.<sup>41</sup> The Governor chose Dr. J. S. Helmcken, who had opposed confederation to the end; Mr. Joseph W. Trutch, who, until Governor Musgrave's arrival, had opposed, and Dr. R. W. W. Carroll, an out and out supporter. They were, however, three members of his Executive Council; and they certainly discharged their duties zealously. On May 10, 1870, they set out for Ottawa by way of San Francisco, arriving at their destination on June 4th. They were well received, and, while the discussion of the terms was going on, were entertained on all sides. Sir John A. Macdonald was very ill and the burden of the negotiations with the delegates fell upon Sir George Etienne Cartier, the acting Premier. Mr. H. E. Scelye accompanied the delegates as the special correspondent of the *Daily Colonist* and in the interest of responsible government. On July 7, 1870, he sent the historic telegram: "Terms agreed upon. The delegates are satisfied. Canada is favourable to immediate union and guarantees the railway. Trutch has gone to England. Carroll remains one month. Helmcken and your correspondent are on the way home."

The terms agreed upon—the Terms of Union as they were called will be found in the appendix to this work.

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<sup>40</sup> Disallowance Report, p. 1030.

<sup>41</sup> *British Columbian*, July 8, 1882.

The Imperial Parliament, on August 9, 1870, passed the "British Columbia Act, 1870" whereby Her Majesty was empowered to fix by Order-in-Council the constitution of a Legislature consisting of a Governor and a Legislative Council and to authorize the Governor to work out the details as to electoral districts, qualifications of members and voters, preparations of voters' lists, and all other things necessary for securing the orderly, effective, and impartial conduct of such elections. The contemplated Order-in-Council was passed on the same date, constituting a Legislative Council of fifteen members—nine elective and six appointive. The franchise was limited to males of the full age of 21 years, being entitled within the colony to the privileges of natural-born British subjects and being able to read English.<sup>42</sup> Mr. Trutch, who had gone to England in connection with this legislation, returned on October 10, 1870. In the interval, Dr. J. S. Helmcken had arrived with the precious document containing the Terms.

Governor Musgrave immediately took steps to form the new Legislative Council, in which for the first time the elected members would predominate. This was in accordance with his promise that the Terms of Union before being finally agreed upon should be ratified by the people. With the advice of his Executive Council he divided the colony into eight districts. The elections were held in November, 1870, and resulted as follows: Victoria City, Dr. J. S. Helmcken and Henry Nathan; Victoria District, Amor De-Cosmos; Nanaimo, Arthur Bunster; New Westminster, Hugh Nelson; Hope, Yale, and Lytton, Clement F. Cornwall; Lillooet and Clinton, Thomas Basil Humphreys; Cariboo, Dr. R. W. W. Carroll; Kootenay, R. J. Skinner.

The issue had been, shall we have confederation on these terms? In every instance the people elected supporters of the affirmative. The appointed members were Hon. Philip J. Hankin, Colonial Secretary; Hon. George Phillippo, Attorney-General; Hon. Joseph W. Trutch, Chief Commissioner of Lands and Works; Hon. Wymond O. Hamley, Collector of Customs; A. F. Pemberton, J. P., and E. G. Alston, J. P.

The House met on January 5, 1871. Dr. J. S. Helmcken was nominated as Speaker, but declined on the ground that, having been one

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<sup>42</sup> Appendix, B. C. Statutes, 1871, Nos. 51, 52.

of the delegates, there would no doubt arise questions which he would be called upon to answer. The Hon. Philip J. Hankin, the Colonial Secretary, was then selected.

Governor Musgrave's opening speech was largely taken up with confederation, the door through which relief from the burden of enormous taxation could be obtained. "At no time," he said, "in the history of this colony has any legislative body, whether of the mainland or Vancouver Island, been occupied with considerations of greater moment than those which now demand your solicitude, and which must so deeply affect the future progress of the province." Speaking of the arrangements made by the delegates he expressed the opinion that the Terms of Union offered by the Government of Canada were as liberal as the colony could equitably expect. Indeed, in some respects, they were more advantageous than the scheme originally proposed. "I submit them to you," he added, "in full confidence that you will join with me in this conclusion, and I recommend to you at once to pass an address to Her Majesty, in accordance with the provisions of the British North America Act, 1867, praying for admission into the Union on those terms." Next to confederation was the question of responsible government. The Governor's announcement in this respect was eminently satisfactory. After the Terms of Union were assented to, he would be prepared to submit a bill to constitute a new legislative body composed entirely of popular members, so as to enable representative government to come into operation at the first session subsequent to the union.

On January 18, 1871, the Hon. Joseph W. Trutch, the Chief Commissioner of Lands and Works, in rising to move the orders of the day, said it devolved upon him, as one of the delegates appointed by the Governor, to negotiate the Terms of Union with Canada, to lay before the Legislative Council for consideration and adoption the terms agreed to by the Government of Canada. He could see no reasonable objection to them. The financial scheme had been very materially altered to the advantage of the colony. The population had been set in 1870 at one hundred and twenty thousand. This nominal population, however, was objected to by the Canadian Government, and it was fixed at sixty thousand which, including Indians, was about correct. When this stage in the negotiations was reached, it was seen that the total subsidy only amounted to about



\$116,000 (debt allowance \$33,000, *per capita* grant \$48,000, annual subsidy \$35,000), which was about \$100,000 less than the Legislative Council had authorized the delegates to accept. Unless that sum could be made up in some way it would be useless to continue the negotiations. As no expedient was at hand to make good the deficiency, the negotiations were adjourned till the next day. The next morning, Sir George E. Cartier entered the Privy Council Chamber and said that as Newfoundland had been offered \$150,000 a year forever for her Crown lands, he proposed, as a way out of the difficulty, to give British Columbia \$100,000 a year forever for a belt of land not exceeding twenty miles in width on each side of the railway.<sup>43</sup> This was promptly accepted; and Article 11, Clause 2, was drawn up. As to the railway clause, the colony did not get the coach road which had been included in their proposal; but they got the promise of an earlier commencement and speedier completion of the railroad than their proposals had suggested. The Graving Dock item, he said, had given more trouble than all the other matters combined. In reference to the debt allowance, the figures, as agreed to, were as follows:

Allowed debt for sixty thousand population at \$27.77 *per capita*, the New Brunswick standard, \$1,666,200; actual debt of British Columbia at confederation, \$1,000,405; difference, \$665,795.<sup>44</sup>

This difference was regarded as principal on which the Dominion Government agreed to pay interest at five per cent, so as to put the colony in the same position as if it had borrowed the larger amount and had had the liability taken over by Canada.

Dr. J. S. Helmcken seconded the resolution to go into Committee to consider the Terms and the address to Her Majesty requesting union. The motion was carried unanimously. Referring to this incident, the *British Colonist* of the following morning, said: "Our Legislature yesterday presented a strange study. Just think of it! A Legislature created, we might say, for the express purpose of deciding the great question of confederation, giving a unanimous vote in silence, save only what was said by the mover and seconder."<sup>45</sup>

In Committee, all the articles of the Terms were passed without suggestion of amendment, except Article 7, dealing with the con-

<sup>43</sup> Island Railway Papers, p. 232; *Toronto Globe*, March 28, 1871.

<sup>44</sup> Commons Sessional Paper, No. 18, vol. 4; No. 4, 1871.

<sup>45</sup> *British Colonist*, Jan. 19, 1871.

tinuation of the British Columbia Tariff until the completion of the railway, and Article 10, relating to the Graving Dock. When the former was read, Mr. Nathan stated that he was prepared to support the immediate acceptance of the Canadian Tariff, but, on its being explained that it could be adopted at any time, the article passed. At Article 10, Mr. Arthur Bunster, an irrepressible individual with but small conception of the great work being done, moved that Nanaimo be substituted for Esquimalt as the site of the Graving Dock. He found no seconder. Articles 11, 12, 13, and 14, relating to the railway, the Graving Dock, the Indian policy, and responsible government, passed amidst great applause. The remaining portions of the address specified the allotment of the six members of the House of Commons, viz.: Victoria, Esquimalt, and Metchosin Districts to constitute "Victoria District" and return two members; all the remainder of Vancouver Island to be known as "Vancouver Island District" and return one member; New Westminster and Coast districts to be designated "New Westminster District" and return one member; Cariboo and Lillooet to form "Cariboo District" and return one member; Yale and Kootenay, under the name of "Yale District" to return one member.

The address to the Governor was as follows: "TO HIS EXCELLENCY, THE GOVERNOR: *May it please Your Excellency*—We, the members of the Legislative Council, in council assembled, having agreed to an address to Her Most Gracious Majesty, praying that Her Majesty will be graciously pleased, by and with the advice of Her Most Honourable Privy Council, to admit British Columbia, under the provisions of the 146th section of the British North America Act, into the union or Dominion of Canada, on the basis of the terms and conditions offered to this colony, by the Government of the Dominion of Canada, as in such address set forth, do hereby pray that Your Excellency may be pleased to transmit such address to Her Majesty's Principal Secretary of State for the Colonies to be laid at the foot of the Throne."

In proroguing the Legislative Council the Governor referred to the confederation address, predicting a new and prosperous era for the community as a result and mentioning with pride the part that body had taken in "extending the limits of the British American Confederation to the shores of the Pacific, and of cementing the

foundations of a great and prosperous state, whose future promises to be enlightened and progressive."

It does not fall within the purview of this work to follow the story of the Terms of Union into the debate in the Dominion Parliament. Such reference thereto as the later discussions may necessitate will be more conveniently made in the consideration of the various difficulties which had their root in the celebrated Article 11. It is sufficient to say that the necessary address was passed by the House of Commons on April 1, 1871, by the Senate on April 5, 1871, and the Imperial Order-in-Council on May 16, 1871, whereby Her Majesty declared that "from and after the twentieth day of July, one thousand, eight hundred and seventy-one, the said Colony of British Columbia shall be admitted into and become part of the Dominion of Canada upon the terms and conditions set forth in the herein-before recited addresses." <sup>46</sup>

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<sup>46</sup> Appendix, B. C. Statutes, 1871, No. 54.

## CHAPTER XVIII

### THE SAN JUAN DIFFICULTY

By the first article of the Treaty of Washington, 1846, the southern boundary had been defined as follows: "From the point on the 49th parallel of north latitude where the boundary line laid down in existing treaties and conventions between Great Britain and the United States terminates, the line of boundary between the territories of Her Britannic Majesty and those of the United States shall be continued westward along the 49th parallel of north latitude to the middle of the channel which separates the continent from Vancouver Island; and thence southerly through the middle of said channel, and of Fuca Straits, to the Pacific Ocean; provided, however, that the navigation of the said channel and straits, south of the 49th parallel of north latitude, remain free and open to both parties." <sup>47</sup>

When the treaty was before the United States Senate for ratification, Senator Benton said: "When the line reaches the channel which separates Vancouver Island from the continent (which it does within sight of the mouth of Fraser River), it proceeds to the middle of the channel, and thence, turning south, through the Channel de Haro (wrongly written 'Arro' in the maps) to the Straits of Fuca, and then west through the middle of that strait to the sea." <sup>48</sup> This quotation is introduced, not for the purpose of suggesting that Senator Benton's interpretation could in any way control the meaning of the treaty, but to show that the Haro Strait was well known at that time. It will be found plainly marked on Haro's and Elisa's unpublished maps of 1790 and 1791; on the map of Galiano and Valdes, 1792, which was published in 1802; on Vancouver's map, 1798; on Dufлот de Mofras's map, 1844; on Wilkes's map, 1845. All

<sup>47</sup> Berlin Arbitration, American Case, p. 24.

<sup>48</sup> Berlin Arbitration, Appendix to American Case, p. 50.



of these maps, with the exception of the two first-named, were given to the public before the treaty was prepared; and if the draughtsman who used the words "the channel which separates the continent from Vancouver Island" had glanced at any of them he would have seen *two channels*. Sir Richard Pakenham, the negotiator of the treaty, makes the candid admission that in his belief "neither Lord Aberdeen, nor Mr. McLane, nor Mr. Buchanan possessed at that time a sufficiently accurate knowledge of the geography or hydrography of the region in question to enable them to define more accurately what was the intended line of boundary."<sup>49</sup> That blissful ignorance certainly existed in the British diplomats, but it is very doubtful whether it existed in the American. Indeed, Mr. McLane (who, Sir Richard Pakenham thinks, was so ignorant of the geography) wrote to the Secretary of State for the United States on May 18, 1846, after the treaty had been drafted, that the line of demarcation would run through the Canal de Haro.<sup>50</sup>

The spirit which permeated the public men of Great Britain at the time is shown by the following quotation from a letter from Lord Ashburton to Mr. Wm. Sturgis: "But I have a very low opinion of any interest either your country or mine are likely to have in any division of the territory. From the moment it becomes of any real importance, it will not be, and should not be, governed from either Washington or from Westminster. You do not, or should not, want land, and we certainly do not want colonies, and least of all such as would be unmanageable from their distance, and only serve to embroil us with our neighbours. I am not without a wish that this new Pacific republic should be founded by our own race \* \* \* but to say the truth, I care little whether this be done from Old England directly, or intermediately through New England. What I do care about is that we should not quarrel about this or any other measure, and I really believe that we should all be better by leaving this question to sleep again for another half century."<sup>51</sup>

Scarcely was the ink dry upon the treaty before the question of its meaning began to be discussed. Which of the two channels—the Haro and the Rosario—was the channel of the treaty. Naturally, the Americans claimed the former, and just as naturally the British

<sup>49</sup> Milton's San Juan Water Boundary, p. 44.

<sup>50</sup> Berlin Arbitration, Appendix to American Case, p. 47.

<sup>51</sup> Berlin Arbitration, Appendix to American Case, p. 37; April 2, 1845.

claimed the latter. Between them lay the Haro Archipelago, comprising the islands of San Juan, Orcas, Lopez, Waldron, Blakely, Decatur, Shaw, and some smaller ones. San Juan, the largest, contains about fifty thousand. The combined area is about one hundred and seventy square miles.<sup>52</sup>

As early as November, 1846, Mr. George Bancroft, the American Ambassador at London, requested a copy of Wilkes's map, as questions were already arising with regard to the islands east of Haro Strait. This was followed in March, 1847, by a statement from him that an attempt would probably be made "to get some of the islands on our side of the line in the Straits of Fuca."<sup>53</sup> In August, 1848, we find Lord Palmerston asking for a copy of Wilkes's chart in order that he might have some knowledge of the waters in question.

The Oregon Legislature, in 1852, created a county known as Island County, which included Whidby Island and the Haro Archipelago. This county became a portion of Washington Territory in 1853, when the latter was separated from Oregon. In that year the Hudson's Bay Company determined to occupy San Juan Island with a sheep farm. Prior thereto, i. e., since 1850, the company had only used the island as a fishing station where they had put up annually two thousand or three thousand barrels of salmon for use in their various forts and for export to the Sandwich Islands.<sup>54</sup> On December 13, 1853, the *Beaver* landed a flock of thirteen hundred sheep, in charge of Mr. Charles J. Griffin, then a clerk, but later a Chief Trader of the company.<sup>55</sup>

When Mr. J. M. Ebey, the American Collector of Customs for Puget Sound District, learned of this action he notified Douglas that the sheep were liable to seizure for non-payment of duty. The latter replied that the Island was British soil, and appointed Mr. Griffin as Stipendiary Magistrate. Mr. Ebey thereupon appointed Mr. Webber as Inspector of Customs, directing him to keep an account of all dutiable goods which might be landed on the Island by the company. A petty squabble now arose. Capt. James Sangster, the Collector of Customs of Vancouver Island, took proceedings against Webber for acting as a customs officer in British territory without

<sup>52</sup> American State Papers, p. 132; Milton's San Juan Water Boundary, p. 14.

<sup>53</sup> Ex. Doc. 29, 40th Congress, 2d Session, pp. 83-5.

<sup>54</sup> Milton's San Juan Boundary, p. 19.

<sup>55</sup> Ex. Doc. 77, 36th Congress, 1st Session.

authority. A warrant for the latter's arrest was issued, but he refused to be arrested, and there the matter stood.

During the first session of the Legislative Assembly of Washington Territory, in 1854, the upper part of Island County, to wit, the Haro Archipelago, was annexed to Whatcom County. A few straggling settlers began to make their appearance in the disputed area. One of the complaints against the Rev. R. J. Staines was that he was using his influence to induce British subjects to take lands on the Haro Islands under the American laws.<sup>56</sup> One Richard W. Cusans, an American citizen, about the same time located upon a tract of land on Lopez Island. When he wished to cut timber thereon, he was required by Governor Douglas to take out a license, which was granted upon his undertaking to pay a royalty of 10*d.* for every fifty cubic feet. The Governor also refused to allow a vessel to remove the timber unless she cleared at Victoria.<sup>57</sup>

The Hudson's Bay Company's property on San Juan Island was assessed for taxes in 1854 by Whatcom County officials and, payment being refused, the sheriff, in the following March, seized some thirty-four sheep and sold them to the highest bidder to realize the tax. The company, as usual, countered with a claim for £2,990 13*s.* damages, for unlawful seizure and sale.<sup>58</sup>

As a result of the diplomatic correspondence that ensued, Mr. W. L. Marcy, the American Secretary of State, instructed Governor I. I. Stevens of Washington Territory that the territorial officers should abstain from any acts on the disputed ground which might provoke conflict, so far as that could be done without implying the concession of any exclusive right to the British. He pointed out that the title ought to be settled before either party attempted to exercise complete and exclusive sovereign rights, and intimated that the British Government would be requested to issue similar orders. Thus it was hoped, all difficulties would be avoided pending the adjustment of the line. The course suggested met with the cordial support of the British Minister.<sup>59</sup>

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<sup>56</sup> Vancouver Island Papers, July 25, 1863, pp. 40, 41.

<sup>57</sup> Ex. Doc. 29, 40th Congress, 2d Session, p. 87.

<sup>58</sup> Ex. Doc. 77, 36th Congress, 1st Session.

<sup>59</sup> Ex. Doc. 65, 36th Congress, 1st Session; Am. State Papers, p. 230; Milton's San Juan Water Boundary, p. 57.

Regularly each year the stock of Hudson's Bay Company on the Island was assessed. By 1859 the arrears amounted to \$935, but no effort was made to collect them. The company then had thereon forty-five hundred sheep, forty head of cattle, thirty-five horses, and forty hogs; eighteen persons were employed in connection with their farming operations; and eighty acres of land had been fenced and brought under cultivation.<sup>60</sup> In February, 1859, Americans residing in Victoria and elsewhere, believing that the island would eventually fall to the United States, took steps to preëempt according to the laws of that country. It was then pointed out that "unless this boundary question is soon settled trouble may grow out of these movements."<sup>61</sup> Twenty-nine actual settlers were on the island in July, 1859.

In the meantime, steps were being taken to settle the boundary. Leaving matters in this condition upon the ground, let us sketch the diplomatic portion.

Mr. Crampton, the British Ambassador, in January, 1848, directed the attention of the United States Government to the necessity of an early location of the boundary, suggesting that "the channel" was the Rosario Strait. He thought that each Government should appoint a naval officer of scientific attainments and of conciliatory character, who should meet on the spot, and, after deciding upon the initial point where the parallel touched the Gulf of Georgia, should proceed in concert to lay down the disputed section.<sup>62</sup>

For eight years nothing was done, as Congress failed to appropriate the funds to meet the proposed operation. At last, on August 11, 1856, that body authorized the appointment of a commission to determine and mark the boundary line described in the first article of the treaty. Archibald Campbell was appointed Commissioner, Lieutenant John G. Parke, Chief Astronomer, and G. Clinton Gardner, Assistant Astronomer.<sup>63</sup> The British Government, in December, 1856, appointed Capt. James C. Prevost, First Commissioner, and Capt. George Henry Richards, Second Commissioner. The Secretary of the American Commission was William J. Warren; of the British Commission, William A. G. Young, who was, in 1858, selected by Governor Douglas as Colonial Secretary of British Columbia.

<sup>60</sup> Ex. Doc. 77, 36th Congress, 1st Session.

<sup>61</sup> *Puget Sound Herald*, Feb. 25, 1859; *Victoria Gazette*, Feb. 17, 1859.

<sup>62</sup> Ex. Doc. 29, 40th Congress, 2d Session, pp. 15, 16.

<sup>63</sup> Ex. Doc. 86, 40th Congress, 3d Session, pp. 93, 94.



The American Commissioner was empowered to deal with the boundary between Washington Territory (which then extended from the Rockies to the Pacific) and British Columbia; but the British Commissioners were only authorized to settle the water problem.<sup>64</sup>

Mr. Campbell, with his staff, arrived at Victoria on June 22, 1857. Captain Prevost had arrived in H. M. S. *Satellite* ten days previously, but Captain Richards, who was coming in H. M. S. *Plumper*, a slow vessel, did not, owing to an accident to her machinery, arrive till November 9, 1857.

The first meeting of the Commission was held on board H. M. S. *Satellite* in Esquimalt Harbour, on June 27, 1857, when the Commissioners exhibited their respective commissions. The second meeting was held on the *Satellite* in Nanaimo Harbour on July 17, 1857, but was adjourned owing to the absence of Captain Richards. At the third meeting, October 26, 1857, the discussion of the water boundary was begun. Captain Prevost regretted the continued absence of the *Plumper*, but stated that having had an opportunity of verifying the general accuracy of the American chart, he was willing to accept it as sufficient for the purpose of tracing the line, leaving the correct delineation as an after-work to be carried out by surveyors.<sup>65</sup> The first article of the treaty was read. At once the difference of construction and interpretation was manifest—Mr. Campbell maintaining the Haro Strait as “the channel,” Captain Prevost, the Rosario Strait. The discussion was continued on the following day. On that occasion the Commissioners dealt with the navigable qualities of the respective channels, each arguing that the channel he preferred was the better in that regard. Leaving that phase, they passed to consider which of the two channels was that intended by the framers of the treaty. Again each clung to his opinion—the opinion of his Government—that the channel each desired was that which was intended and which alone fulfilled the treaty’s requirements.

They then proceeded to place their views in writing. The correspondence opened on October 28, 1857, with a short letter from Captain Prevost, claiming that the channel must possess three characteristics: it must separate the continent from Vancouver Island; it

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<sup>64</sup> Ex. Doc. 86, 40th Congress, 3d Session, pp. 93, 94.

<sup>65</sup> Ex. Doc. 29, 40th Congress, 2d Session, p. 48.





must admit of the boundary being carried through the middle of it in a southerly direction; it must be a navigable channel. These peculiar conditions he submitted were most entirely answered by the Rosario Strait.

Mr. Campbell replied, on November 2nd, that from the earliest times the Canal de Haro had been shown in the maps; that the expression "southerly" was to be understood in a general sense, in opposition to northerly and simply to show that Vancouver Island was to be left intact; that the history of the last stages of the Oregon question showed that the boundary was to be the 49th parallel, but was deflected southward to prevent a severance of Vancouver Island; that the Rosario Strait did not separate the continent from Vancouver Island, but separated Lummi, Cypress, Fidalgo, and other islands from those constituting the Haro Archipelago—whereas Haro Strait separated the continent from Vancouver Island, inasmuch as the Haro Archipelago must be regarded geographically as a part of the continent. As to navigability, Mr. Campbell argued that that was not germane to the issue, but that if it were, the Haro Strait was the better, the wider, the more direct passage. He then went on to urge that the American diplomats and Senate intended in agreeing to the treaty that the Haro Strait should be the dividing line, and challenged the production of any contemporary evidence to show that the British diplomats had intended the Rosario Strait.

Captain Prevost answered on November 9th that there being no navigable passage between the islands of Lummi, Cypress, and Fidalgo and the continent, which would answer to the channel of the treaty, it followed that the channel which separated them from the Haro Archipelago also separated them (and, therefore, the continent) from Vancouver Island. He contended that the Rosario Strait should be selected, as the line could be drawn through it in the southerly direction that the treaty required, but through the Canal de Haro the line must be drawn westerly. The question, he said, was not what the American diplomats thought, but what the words of the treaty meant. He concluded by referring to Fremont's map, published by order of the United States Senate in 1848, and to a map of a portion of Oregon Territory made by John B. Preston, Surveyor-General of Oregon in 1852, whereon the boundary line was drawn through Rosario Strait.



The correspondence went on during November and December, 1857, and reams of paper were covered with words, but enough has been shown to indicate in a general way the drift of the argument. Neither Commissioner convinced, nor expected that he would convince, the other. As a final step, Captain Prevost offered, at the sixth meeting, December 3, 1857, to compromise by accepting the Douglas, or middle passage, which would give to the United States all the principal islands of the group, except San Juan. This was refused, and the Commission adjourned, agreeing to report their proceedings to their respective governments; and the dispute remained exactly where it had been.<sup>66</sup>

Before passing to consider the San Juan trouble, it may be well to include a short statement descriptive of the actual work of laying out the boundary along the 49th parallel. Here was no dispute; simply a matter of astronomical observations.

In July, 1858, Col. J. S. Hawkins, R. E., the British Commissioner appointed to determine the land boundary in conjunction with the United States force, arrived from England on H. M. S. *Havanah*, with a party organized for field operations. It consisted of Captain Haig, R. A., Astronomer, and two officers of Engineers, Lieutenants Dahrer and Wilson, J. K. Lord, naturalist, a geologist, Dr. Lyall, botanist, and sixty-five non-commissioned officers and men of the Royal Engineers, including topographers, surveyors, photographers, etc., and thirty axemen.<sup>67</sup>

The American party consisted of Mr. Campbell, Lieutenant Parke, and Mr. G. Clinton Gardner, already mentioned, two topographers, a surgeon, a naturalist, a geologist, and other officers, a captain and subaltern in command of the military escort of about seventy men from Company F, Ninth Infantry, and about thirty axemen and packers.<sup>68</sup> This body had arrived in June, 1857, as already stated, but, owing to the absence of a British Commissioner to act in the land boundary, had established a depot and located an observatory on Point Robert, in the vicinity of the parallel, and carried on

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<sup>66</sup> Ex. Doc. 29, 40th Congress, 2d Session, pp. 7-50.

<sup>67</sup> Mayne, *British Columbia*, p. 51; Lord, *At Home in the Wilderness*, p. 113; *Boston Statesman*, March 5, 1858; *Olympia Pioneer and Democrat*, April 23, 1858.

<sup>68</sup> Mayne, *British Columbia*, p. 34; Ex. Doc. 86, 40th Congress, 3d Session, p. 23.

reconnaissances and explorations eastward along the boundary as long as the season permitted.<sup>69</sup>

The duty of ascertaining the exact point where the 49th parallel met the Gulf of Georgia fell within the scope of Captain Prevost's and Captain Richards's commissions. The former accordingly repaired to the vicinity on November 18, 1857. After a month spent in making the necessary observations he proceeded to mark the spot, which he was gratified to find was only eight feet from that fixed upon by the American Commissioner.<sup>70</sup>

On the arrival of Colonel Hawkins the plan of field operations was arranged. Owing to the great expense, the length of time necessary, and the impracticable nature of a portion of the country, it was thought inexpedient to mark the whole boundary by cutting a track through the dense forest. Points on the line at convenient intervals were to be determined and marked by a cleared strip twenty feet in width on each side for half a mile or more, according to circumstances; and where any considerable streams, permanent trails, or any striking natural features of the country were crossed the line was to be suitably marked; in the vicinity of settlements the track along the boundary was to be cut for a greater distance and marked as agreed upon.<sup>71</sup>

The camp of the Joint Commission during 1858 was at Sumas Prairie. Mr. Lord, the naturalist, bears eloquent testimony to their sufferings from the persecution of mosquitoes. So serious did this become that the work was temporarily suspended. A general exodus took place; man and beast alike fleeing to the higher land to escape their tiny tormentors.<sup>72</sup> The end of that year saw the line reconnoitred from Point Roberts eastward as far as the valley of the Skagit River, near Hope—a distance of about ninety miles—and the necessary astronomical observations made for determining three points on the parallel in the Chilliwack valley. In the following year the work of surveying and marking the line was completed between the Skagit and the Columbia rivers—one hundred and fifty miles. Owing to the San Juan difficulty Colonel Hawkins returned to England with despatches in the fall of 1859. About the beginning of October,

<sup>69</sup> U. S. Geog. Surveys, W. 100 Meridian, p. 615.

<sup>70</sup> Mayne, *British Columbia*, p. 32.

<sup>71</sup> U. S. Geological Survey Bulletin 174, p. 15; Ex. Doc. 86, 40th Congress, 3d Session, p. 95.

<sup>72</sup> Lord, *At Home in the Wilderness*, pp. 274-7.

a reinforcement of the British Commission, consisting of a Lieutenant, a Sergeant, a Quartermaster, a Commissary, and twelve men, was despatched from Southampton. The Joint Commission passed the winters of 1859-60 and 1860-61 at Fort Colville.<sup>73</sup> In 1860 the line was laid down from the Columbia to the summit of the Rockies, one hundred and seventy miles, and the work practically completed. The entire length of the boundary line between Point Roberts and the Rockies is four hundred and nine and one-half miles, of which one hundred and ninety were cleared and marked, but the remainder was not traced, cleared out, surveyed, or marked. This portion lay along almost inaccessible mountains.

The initial point was marked by a large granite obelisk, bearing on the south side the inscription, "Archibald Campbell, U. S. Commssr."; on the north, "Capt. J. C. Prevost, R. N., Capt. G. H. Richards, R. N., Lt.-Col. J. S. Hawkins, R. E., H. B. M. Commssrs."; on the east, "Lat. 49°, 0', 0''; Long. 123°, 3', 53''. Erected 1861"; on the west, "Treaty of Washington, June 15, 1846."

The contract for its erection was given to Mr. E. Brown of New Westminster in August, 1861. It was completed and accepted by Colonel Hawkins (who had in the meantime returned from England) and Captain Gossett in May, 1862. Its cost—\$7,590.38—was borne equally by the United States and Great Britain.<sup>74</sup> Forty-three iron pillars, each four feet high and about six inches square, bearing on the north side the words, "Treaty of Washington," and on the south side, "June 15, 1846," marked the line from Point Roberts to the crossing of DeLacy's Whatcom trail. The work of placing these marks devolved upon the British Commission. H. M. S. *Hecate* landed twenty-five at Semiahmoo and Point Roberts, and H. M. S. *Grappler*, the remainder at Sumas River in July, 1861.<sup>75</sup> They were set about a mile and a half apart; the exact location of each one is given in the Bulletin of the United States Geological Survey No. 174.<sup>76</sup> The remainder of the boundary line was marked by about one hundred and fifteen pyramidal piles of stones six or eight feet high, and earthen mounds covering wooden posts.

<sup>73</sup> At Home in the Wilderness, pp. 115, 116.

<sup>74</sup> *British Columbian*, Aug. 15, 1861; May 17, 1862; Ex. Doc., No. 86, 40th Cong., 3d session, p. 97.

<sup>75</sup> Mayne, *British Columbia*, pp. 233, 234.

<sup>76</sup> Op. Cit., pp. 37, 38; U. S. Geographical Surveys, W. 100 M., p. 616.

Each section of the American force left the field as its work was completed—the last departing in the fall of 1861.<sup>77</sup> The British party appears to have remained till the spring of 1862; in April, 1862, at Langley, all the mules and outfit used by the British were sold. It was thought that the British and American records of this work had disappeared, but, in 1898, through the tireless search of Dr. Otto Klotz, the Dominion Astronomer, the former were discovered. The total cost of the work to the United States Government was \$595,233.03. The cost to the British Government can not be ascertained.<sup>78</sup>

While this work was in progress, the United States steamer *Active*, and the brig *Fauntleroy*, in coöperation with H. M. S. *Plumper*, were engaged in surveying the various channels between the continent and Vancouver Island.

For years the northern Indians, like the Goths and Vandals of old, had been making incursions upon the white settlers on Puget Sound, until it became the habit to charge to them every Indian misdeed. San Juan Island lay right in their line of travel. At Bellingham, Port Townsend, and other places a few regular soldiers were maintained by the United States Government as a protection to the settlers. When the Indian war of 1855-6 broke out, Governor Mason of Washington Territory, called upon Governor Douglas for arms and ammunition, which were promptly supplied;<sup>79</sup> he expressed his regret that neither the *Otter* nor the *Beaver* was at his disposal at that moment, but stated that if either arrived she should be at once dispatched to aid the Americans. This was done. The moral effect of this action was enormous. The Indians saw that the white people made common cause against them. In December, 1855, the Legislative Assembly of Washington Territory formally expressed the thanks of the people to Governor Douglas for this assistance.<sup>80</sup>

Now occurred one of those trivial incidents which are frequently seized upon and, by exaggeration, or by fomentation of ill-directed patriotism, or by some other means, or from some other motive not so laudable, become elevated into a position of national or international importance.

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<sup>77</sup> Geological Bulletin, No. 174, p. 17.

<sup>78</sup> Ex. Doc. 86, 40th Congress, 3d Session, p. 23.

<sup>79</sup> Elwood Evans, History of Pacific Northwest, vol. 1, p. 497.

<sup>80</sup> Dec. 18, 1855, Laws of Washington, 1855, p. 31.



Amongst the American settlers was one Lyman A. Cutler. This man had a garden patch. In June, 1859, a breeding boar of the Hudson's Bay Company annoyed him exceedingly by its ravages amongst his potatoes. In anger he shot the animal. Mr. Griffin, learning of the incident claimed \$100 damages—the Hudson's Bay Company never erred in placing damages too low. What followed is variously reported. The orthodox American version is that A. G. Dallas, a son-in-law of Governor Douglas, Dr. W. F. Tolmie, and Donald Fraser, who landed on San Juan the following day, claimed the Island as British soil and ordered Cutler to pay the \$100 or be taken to Victoria for trial.<sup>81</sup> The British version is that these persons merely remonstrated with Cutler and that, in reply, he stated he would shoot any other of the company's animals that trespassed upon his land. General Harney embellishes this into a statement that he (Cutler) would shoot any one who attempted to take him to Victoria for trial. Cutler's own statement contains no such words. The variance is immaterial except as throwing light upon Harney's view of veracity, and with other discrepancies to enable the student to follow the line of truth through the tangled skein.<sup>82</sup>

General Harney, who was then in charge of the Military Department of Oregon, was a Southern fire-eater. The following picture is drawn from life: "I lost no time in paying my respects to the new commander, whom I had not seen before. He received me with ordinary politeness—in other words he was not rude to me, though he was sufficiently taciturn. I had heard a great deal of General Harney and of his extraordinary physical accomplishments and his prowess as an Indian fighter. I saw before me a man six feet two or three inches in height, faultless in proportion, complexion bordering on the sandy, head small, eyes and countenance ordinary. I felt at once that I was in the presence of a typical Southerner, and the coldness of his salutation inclined me to credit the reports or accusations I had heard that his official conduct towards Northern officers was often harsh."<sup>83</sup>

On July 18, 1859, after visiting San Juan Island and having a friendly interview with Governor Douglas (in which he let drop

<sup>81</sup> Senate Ex. Doc. 10, 36th Congress, 1st Session.

<sup>82</sup> Ex. Doc. 24, 39th Congress, 2d Session, cf. pp. 148, 183.

<sup>83</sup> E. D. Keyes, *Fifty Years' Observations*, p. 287.

not the slightest hint of his intention), he ordered Capt. G. E. Pickett to occupy the island with his company for the two-fold purpose as he stated— of protecting Americans against the Indians and against the Hudson's Bay Company.<sup>84</sup> Pickett effected a landing on the 27th with sixty men. It is to be remarked that in the month which had elapsed the Hudson's Bay Company had taken no steps against Cutler. Harney's despatches will not stand examination. They reek with mendacity. He actually charges Governor Douglas with threatening to bring down the Indians upon the Americans.<sup>85</sup> The suggestion is contemptible. Douglas's whole life gives the lie to such a statement, as does his conduct a few years before; but beyond all that we have Harney's own letter of March 7, 1859, in which, after acknowledging Douglas's kindness and his promise to give timely warning of any hostility on the part of the northern Indians, he adds that this shows "a good feeling towards our people of the highest commendation."<sup>86</sup> Again, on August 25, 1859, Harney writes to the Adjutant-General that he "disclaims any intention of asserting any sovereignty over San Juan beyond that which the necessity of the case has demanded"<sup>87</sup>—whatever the reservation may mean. Yet he knew that Captain Pickett had issued orders on July 27th that "this being United States territory, no laws other than those of the United States, nor courts except such as are held by virtue of said laws, will be recognized or allowed on this Island"; and on August 6th he had written to Captain Pickett: "The General approves the course you have pursued and further directs that no joint occupation or any civil jurisdiction be permitted on San Juan Island by the British authorities under any circumstances."<sup>88</sup> These are merely typical instances.

The reference to the courts, doubtless, relates to the fact that Mr. DeCoursey had been by Douglas appointed as a magistrate for San Juan. But at that very time Mr. Crosbie was on the Island as an American magistrate.<sup>89</sup>

A perusal of General Harney's correspondence clearly shows that

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<sup>84</sup> Ex. Doc. 65, 36th Congress, 1st Session, p. 9.

<sup>85</sup> Id., p. 48.

<sup>86</sup> Id., p. 114.

<sup>87</sup> Id., p. 38.

<sup>88</sup> Id., p. 23.

<sup>89</sup> Ex. Doc. 24, 39th Congress, 2d Session, p. 160.

the ostensible reasons for taking possession of San Juan were mere subterfuge—that the actuating motive was, by virtue of possession, to solve the doubtful point of ownership, either directly or through the Boundary Commission. He desired to be looked upon by the people as the saviour of San Juan, and if in that connection he could act the part of Sir Richard Grenville, he would obtain even a wider notoriety. Major Haller has suggested that Harney was aware of the plans of the secessionists, which even then were taking shape, and owing to his Southern sympathies, was anxious to embroil the United States with Great Britain and thereby create a condition which would favour the secession movement.<sup>90</sup> But this theory rests upon the sandy foundation of mere suspicion, and is scarcely in accord with his subsequent conduct during the Civil war, nor with his treatment by the war office, at the head of which was John B. Floyd, one of the most unscrupulous of the plotters. The reasons we have given are ample to account for his actions, without the baseless allegation of dishonourable motives.

As soon as Governor Douglas learned that American troops had been landed on the Island, he ordered H. M. S. *Tribune*, Capt. Geoffrey Phipps Hornby, to sail at once for San Juan, and instructed Colonel Moody to embark on H. M. S. *Plumper* with a detachment of the Royal Engineers and Royal Light Marine Infantry. Most of these troops were then engaged in the peaceful work of road-building near Douglas. The matter being urgent, Colonel Moody gathered together all the Marines at New Westminster and, supplementing them with some fourteen Engineers under Lieutenant Lemprière, sailed on July 31st for the scene of the trouble.<sup>91</sup> On August 2nd the Governor formally protested against the occupation of the Island and claimed its sovereignty for the British Crown.

Governor Douglas, as Vice-Admiral, had given Captain Hornby instructions to land a force to protect the lives and property of British subjects.<sup>92</sup> However, as Admiral Baynes, in H. M. S. *Ganges*, was daily expected, Captain Hornby delayed to make the landing. On the contrary, he, on August 3rd, arranged for an interview with Captain Pickett. He invited the latter to visit him on the *Tribune*;

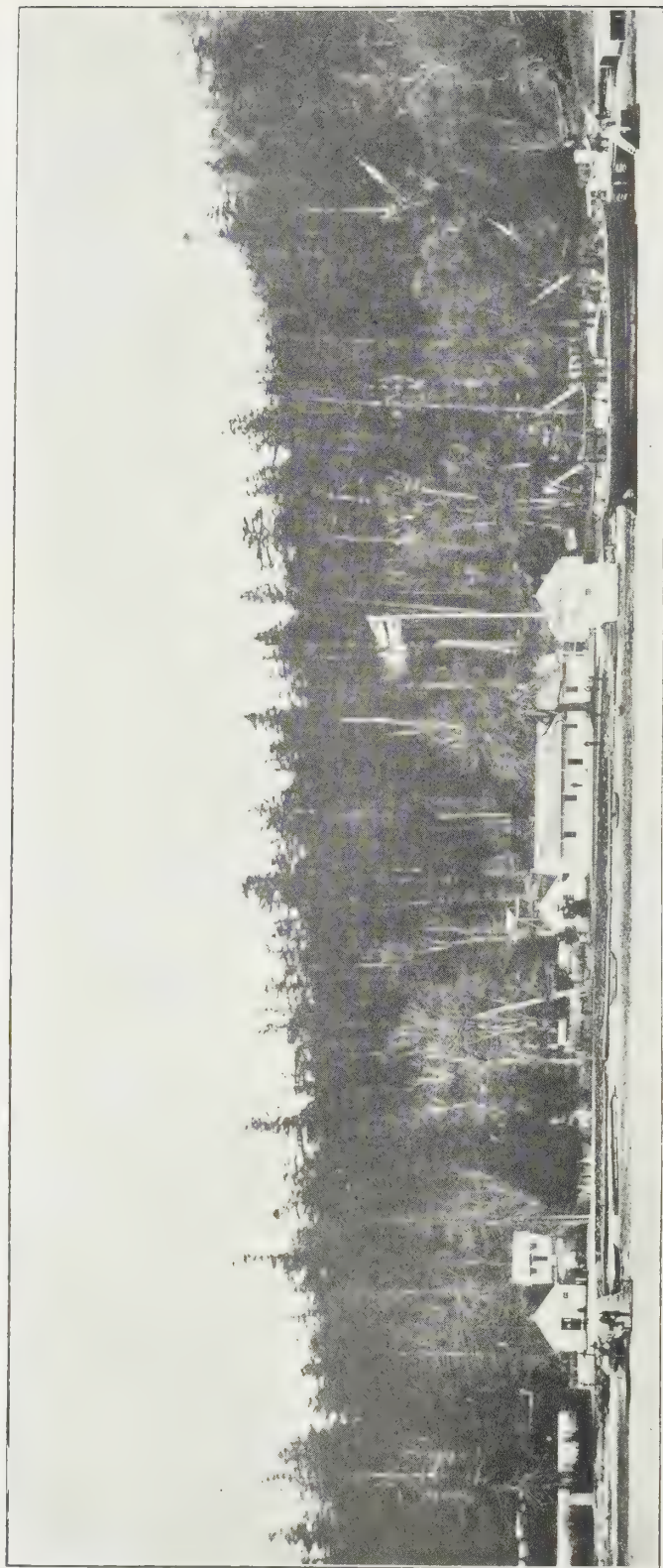
<sup>90</sup> San Juan and Secession, p. 12; Snowden's History of Washington, vol. 4, p. 59.

<sup>91</sup> Ex. Doc. 65, 36th Congress, 1st Session, p. 43; Letter Moody to Douglas, July 31, 1859.

<sup>92</sup> Macdonald, British Columbia and Vancouver Island, p. 258.







BRITISH CAMP ON SAN JUAN ISLAND DURING PERIOD OF DUAL OCCUPATION

The United States maintained a post at the other end of the island

when the latter replied that he would be pleased to receive him at his camp, Captain Hornby, throwing official etiquette to the winds, went to Pickett's camp in company with Captains Prevost and Richards. At this meeting the British officers, after presenting the Governor's protest, made an offer of joint occupation of the island, as the course most in keeping with the disputed ownership and most likely to avoid a collision. Captain Pickett would not consent to the proposal.

The view that Pickett took—and as regards his bravery we need only recall Pickett's charge at Gettysburg—was that the British force, H. M. S. *Tribune*, *Satellite*, and *Plumper*, was so much superior to his little company that the latter would be “merely a mouthful for them,” and that if the British chose to land at almost any point on the island he could not prevent them. In the interview Pickett endeavored to leave the impression that the two governments had recently arranged that the Haro Archipelago belonged to the United States and that the instructions to occupy it came directly from Washington through General Harney. These blunt lies he dignifies with the name, “my diplomacy.”<sup>93</sup>

On August 10th under instructions from General Harney, Colonel Casey landed on San Juan with reinforcements.<sup>94</sup> These were disembarked in the fog and out of sight of the British vessels. The American force was now: Companies A and C, Fourth Infantry, and H of the Ninth, 139; Companies A, B, D, and M, of the Third Artillery, 181; Company D, Ninth Infantry, 66; Company 1, Fourth Infantry, 64; Detachment of Company A, Engineers, 11; total, 461 men.

Their armament was eight 32-pounders from U. S. S. *Massachusetts*, one 6-pounder, and five mountain howitzers.<sup>95</sup>

The British force, as given by Colonel Casey, was: Flag Ship *Ganges*, 84 guns, 840 men, Captain Slavel; *Tribune*, 31 guns, 325 men, Captain Hornby; *Pylades*, 21 guns, 325 men, Captain DeCourcey; *Satellite*, 21 guns, 325 men, Captain Prevost; *Plumper*, 10 guns, 125 men, Captain Richards.

The *Pleiades* had sailed on August 3rd for San Francisco with

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<sup>93</sup> Ex. Doc. 65, 36th Congress, 1st Session, p. 17, Pickett and His Men, chaps. 2, 3.

<sup>94</sup> Id., p. 30.

<sup>95</sup> Id., p. 49.

Colonel Hawkins.<sup>96</sup> To the above numbers must be added the Marines and Engineers, brought by the *Plumper*, whom Casey estimated at 200, making a total of 167 guns and 2,140 men. The calibre of the *Ganges* guns was unknown to the Americans; they were, however, mostly 32-pounders, though she had also twelve 8-inch modern guns—68-pounders. The *Tribune's* guns were twenty-two 32-pounders and nine 68-pounders. The *Pylades* and *Satellite* each carried 68-pounders, twenty broadside and one pivot; the *Plumper* 32-pounders.<sup>97</sup>

Truly, the American force would have been less than a mouthful, had "the dogs of war" been let loose.

Just as Colonel Casey landed, he received a message from Captain Pickett. The latter concluded that the *Satellite* was taking up a position to shell the American camp, which was situate on a narrow neck of land opposite the harbour and distant about two-thirds of a mile. He expected the land attack from the harbour side and was prepared, after discharging his howitzers, to spike them and retreat to the woods.<sup>98</sup>

Colonel Casey, seeing the imminence of a collision, sent an officer to Captain Hornby requesting him to call at his camp. The latter replied that he was much engaged and would come if he could conveniently, but would be happy to see the Colonel on the *Tribune*. In a few hours Captain Hornby arrived, accompanied by the Boundary Commissioners, Captain Prevost and Mr. Campbell. Colonel Casey enquired who was the superior British officer, and was informed that he was Admiral R. L. Baynes, then on the *Ganges* at Esquimalt. The next day (August 11th) Colonel Casey, with Captain Pickett and Mr. Campbell, visited Esquimalt. He sent a note to Admiral Baynes requesting him to meet him on the *Shubrick*; the Admiral regretted his inability to do so, but would be pleased to meet the Colonel on the *Ganges*; the Colonel regretted that circumstances prevented the Admiral from meeting him on the *Shubrick*—and returned to San Juan. So much for cast-iron formula and etiquette. When this was reported to General Harney he regretted the visit and ordered all further communications to be directed to himself.<sup>99</sup>

<sup>96</sup> Ex. Doc. 29, 40th Congress, 2d Session, pp. 154, 167.

<sup>97</sup> *Victoria Gazette*, Oct. 28, 1858.

<sup>98</sup> Ex. Doc. 29, supra, p. 164.

<sup>99</sup> Id., p. 168.

General Harney now proceeded to reinforce San Juan. He applied to the senior officer on the coast for a naval force; took steps to send a detachment of engineers; authorized a call for volunteers; and arranged to rush in troops and supplies as fast as possible.<sup>1</sup> He appears to have laboured under the delusion that he combined, in his own person, the whole War Department and the Executive of the United States. The American position on the island was placed under entrenchment and active preparations were made for the anticipated conflict. The earthworks extended on the west water front three hundred and fifty feet, on the southeast and east one hundred feet, on the northeast one hundred and fifty feet; the north side was left open. Five gun platforms were built inside the redoubt, and a ditch at the bottom of the exterior slope three to five feet deep.<sup>2</sup> The parapet was seven feet above the interior. Governor Gholson informed General Harney that while he had one thousand stands of small arms and four twelve-pound howitzers, he had no ammunition therefor. The General at once placed at Fort Steilacoom eighty-five thousand rounds of ordinary musket, fifteen thousand rounds of rifled musket ammunition and two thousand rounds for mountain howitzers.<sup>3</sup>

Intense excitement prevailed on Vancouver Island. It was somewhat allayed when the Governor's message to the Legislative Assembly was made public, wherein he stated that British troops would also be landed on San Juan.<sup>4</sup> While the subject was being discussed it was learned that Admiral Baynes had refused to land a force. The sense of dissatisfaction was very strong at the vacillating conduct. The *Colonist* called loudly for the reason of the failure to occupy the island as the Governor had intimated would be done, and complained bitterly that the high-handed action of the General had been allowed to pass unchallenged.<sup>5</sup>

When General Harney reported his *coup* to Washington he received a setback. The President pointed out that some strong reason must exist to justify such an interference with the existing status, especially when it was the subject of peaceful negotiations. Even

<sup>1</sup> Ex. Doc. 29, *supra*, pp. 168, 169.

<sup>2</sup> Bancroft, *History of B. C.*, p. 624 (note).

<sup>3</sup> Ex. Doc. 29, 40th Congress, 2d Session, p. 185.

<sup>4</sup> *Id.*, p. 174, Aug. 3, 1859.

<sup>5</sup> *Id.*, p. 176.



Mr. Campbell feared that this decided step would somewhat embarrass the question of the sovereignty of the island.<sup>6</sup> Recognizing that the situation created by Harney's ill-considered and hasty action demanded the most serious attention of the Government, the President at once despatched General Winfield Scott, Commander-in-Chief of the United States army, to the scene of the trouble, with instructions to arrange, if possible, a joint occupation of the island, the very thing which General Harney had repeatedly refused to allow. His popularity in the western states made his supersession a difficult and delicate task; the easier course was to send out his superior officer.<sup>7</sup> The United States Government considered his conduct "rash and impetuous;" but reasons of policy prevented an open rebuke.<sup>8</sup>

General Scott reached Fort Townsend in October. The knowledge that he was coming calmed the troubled waters. It is said that when Harney expressed the hope that he would allow matters to remain as they were, the Commander-in-Chief testily replied: "We both have our superiors."<sup>9</sup> He then proceeded to show Harney that he was his superior.

On October 25th, General Scott offered to Governor Douglas a joint occupation of the island, each Government to station there a detachment of infantry, riflemen, or marines, not exceeding one hundred men.<sup>10</sup> Douglas replied that, in his view, the situation should be restored to that which existed prior to General Harney's action. General Scott pointed out that in the anxious discussion of the question in Washington before his departure, no such proposition had been made by the British Ambassador. He also enclosed a *projet* of a temporary settlement, elaborating his original suggestion of a joint occupation.<sup>11</sup> Governor Douglas answered that he would submit this to the Home Authorities and suggested that, as the British had not violated any treaty and had exhibited much forbearance during the strained relations of July and August, General Scott might see his way to withdrawing the military force. In that event

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<sup>6</sup> Ex. Doc. 65, *supra*, pp. 11, 26, 59.

<sup>7</sup> Milton, San Juan, p. 320.

<sup>8</sup> *Puget Sound Herald*, Oct. 28, 1859.

<sup>9</sup> Bancroft, History of B. C., p. 627.

<sup>10</sup> Ex. Doc. 65, *supra*, pp. 65, 66.

<sup>11</sup> *Id.*, p. 69.

the British ships would be recalled from San Juan. In truth, only H. M. S. *Satellite* then remained at San Juan; the others had been withdrawn to Esquimalt.<sup>12</sup> He assured the General that there never existed any intention to take possession of the island or to act in any way contrary to the course marked out in the correspondence with Mr. Marcy. General Scott then stated that he would reduce the American forces to the small detachment which had landed with Captain Pickett. In the end, in order to satisfy the British feeling, Captain Hunt's company (C, Fourth Infantry) was left instead of Captain Pickett's. The heavy guns were replaced aboard the *Massachusetts* and the light batteries returned to Forts Bellingham, Townsend, and Steilacoom. Colonel Casey was given the command of this little force and instructed that, until the sovereignty was determined, British subjects and American citizens would have equal rights. The functionaries of each Government were required to abstain from interference with the subjects or citizens of the order and to refer any complaints against them to their respective officers for action. Governor Gholson, in his message to the Legislature of Washington Territory, quoted General Scott's orders to the military commander on San Juan, "to allow no person claiming to be a functionary of Washington Territory to interfere with any British subject residing or happening to be in the same,"<sup>13</sup> and stated that it was "a matter of no small surprise and regret." Besides being, as he thought, a declaration of martial law, it was, in his opinion, too drastic. It would have been sufficient, said he, that the territorial officers be urged to respect the rights of British subjects. Like many more Americans, Governor Gholson seems to have overlooked the fact that it had not been decided to which nation the island belonged, and hence civil officers were out of place.

On March 20, 1860, a detachment of Royal Marines under Captain Bazalgette was landed by Admiral Baynes on the northern point of San Juan, in pursuance of the arrangement for joint occupation which had been made by General Scott. It consisted originally of eighty men, one captain, two lieutenants, and a surgeon.

General Scott, being doubtful as to whether Harney would carry out the arrangement with good faith or even with courtesy, was

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<sup>12</sup> Ex. Doc. 65, supra, p. 70; *Oregon Statesman*, Jan. 24, 1860.

<sup>13</sup> Dec. 7, 1859, in *Puget Sound Herald*, Dec. 16, 1859.

anxious to remove him from a neighbourhood where he could make trouble. He accordingly informed him that, as he expected one of the preliminary demands of the British Government would be for his removal from the command of the Oregon Department, he enclosed a conditional order for him to repair to St. Louis and assume the command there. But the fire-eater was not to be got rid of so quietly and easily. He not only refused to go, but gave information of the proposed step to the Legislature of Washington Territory,<sup>14</sup> which passed a lengthy Fourth-of-July resolution lauding their hero and entering into details in a strained attempt to justify his conduct.<sup>15</sup>

Harney had also been making internal trouble. This led to friction between himself and General Scott. Into the merits of that dispute we do not enter. The Commander-in-Chief has left on record his opinion of General Harney. In a memorandum dated February 14, 1860, after expressing the hope that the latter may be disabused "of the besotted notion that he and his principal staff officer will be supported at Washington no matter what blunder either of them may officially commit," he remarks in conclusion that "the highest obligations of my station compel me to suggest a doubt whether it be safe in respect to our foreign relations or just to the gallant officers and men in the Oregon Department to leave them longer, at so great a distance, subject to the ignorance, passion, and caprice of the present headquarters of that department."<sup>16</sup>

Scarcely was the Commander-in-Chief's back turned before General Harney took steps for the removal of Captain Hunt. In April, 1860, he reappointed Captain Pickett to the command. Hunt was not sufficiently bellicose. Harney was not satisfied unless he was stirring up strife. Because General Scott had not left any instructions with him to grant a joint military occupation—a thing which had been already arranged—and because Governor Douglas, instead of accepting the proposal, had referred it to the Imperial authorities, this fire-brand undertook to set all his superior officer's work at naught and instructed Captain Pickett, who was of the same stripe, that the island, being a part of Washington Territory, he must

<sup>14</sup> *Puget Sound Herald*, Jan. 7, 1860.

<sup>15</sup> American State Papers, p. 203.

<sup>16</sup> Ex. Doc. 65, *supra*, pp. 190, 191.

acknowledge and respect its authority.<sup>17</sup> He added, "The General commanding is satisfied that any attempt of the British Commander to ignore this right of the territory will be followed by deplorable results, out of his power to prevent or to control." Harney seems to have been obsessed with a desire to usurp an exclusive jurisdiction over the island on behalf of the civil authorities of Washington Territory. As General Scott said: "If this does not lead to a collision of arms it will again be due to the forbearance of the British authorities, for I found Brigadier-General Harney and Captain Pickett proud of their *conquest* of the island and quite jealous of any interference therewith on the part of higher authority."<sup>18</sup>

When this move was called to the attention of the Federal authorities, the Secretary of State, Mr. Cass,<sup>19</sup> informed the British Minister that General Harney's orders, being in violation of the arrangement made by General Scott, "have been read by the President, both with surprise and regret."<sup>20</sup>

On the same date General Harney was ordered to turn over the Oregon Department to the officer next in rank and repair without delay to Washington. It was time that this disturber of the peace should be deposed. Pickett's removal, of course, followed, and Captain Hunt was reinstated in the command of the American troops on San Juan.<sup>21</sup> Pickett afterwards became famous as the officer who led Longstreet's corps in the terrible charge at Gettysburg—a charge which stands side by side with that of the Light Brigade at Balaklava.<sup>22</sup>

In October, General Harney presented a lengthy report containing his version of the embroglio. His popularity in the West and the near approach of an epochal election were large factors in the treatment he received. It was announced that no court-martial would be held; but that he would be reprimanded. The reprimand was a mild one. While disapproving of his violation of General Scott's order, yet having no doubt of his proper intentions and know-

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<sup>17</sup> American State Papers, p. 210; Milton's San Juan, p. 357.

<sup>18</sup> American State Papers, p. 212; Milton's San Juan, p. 354.

<sup>19</sup> June 8, 1860, in American State Papers, p. 258.

<sup>20</sup> American State Papers, p. 213; Milton's San Juan, p. 355.

<sup>21</sup> Milton's San Juan, p. 356.

<sup>22</sup> San Juan in vol. 2, Overland Monthly, p. 212; Pickett and His Men, chapters 23, 24.



ing his high character and distinguished services, the Secretary of War "was not disposed to be severe in his condemnation."<sup>23</sup>

In the interval, the discussion of the San Juan question went on, but no progress was made. Each Government held as firmly to its opinion as their respective Commissioners had done three years before.

In August, 1860, the British proposed that the civil magistracy should be removed, leaving only a military authority based on the arrangement effected by General Scott; or that the jurisdiction of the British and American magistrates should be limited to distinct parts of the Island.<sup>24</sup> Nothing was accomplished. Lord Lyons, the British Ambassador, suggested, in December, 1860, that the dispute be referred to the King of the Netherlands, the King of Sweden and Norway, or the President of the Federal Council of Switzerland. Before a reply could be framed, the strained relations between the North and the South and the preparations for the "irrepressible conflict" had culminated in a state of civil war. The first shot was directed against Fort Sumter on April 12, 1861. Through all that great and terrible war, Great Britain, with a magnanimity which would scarcely have been extended to her under reversed conditions, allowed the question to remain dormant. During those years the joint occupation continued. The men of the forces fraternized and the officers were on terms of personal friendship and intimacy.

The subject was not re-agitated until the United States set it in motion in 1868. In obedience to the request of the United States Senate, Mr. Seward, the Secretary of State, in February, 1868, presented a report covering the correspondence and the papers in relation to San Juan. This compilation, known as the American State Papers, has been drawn upon quite freely for the materials of this chapter.

In October, 1868, Lord Stanley, the Foreign Secretary, and Mr. Reverdy Johnson, the American Ambassador at London, signed a protocol agreeing to refer to some friendly sovereign or state the determination of the line described in the Treaty of Washington, June 15, 1846, and to empower such sovereign or state, if unable to determine the precise line intended, to fix upon some other which

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<sup>23</sup> *Puget Sound Herald*, Oct. 12, 1860, Dec. 14, 1860; Bancroft History B. C., p. 635.

<sup>24</sup> American State Papers, pp. 262-4; Milton's San Juan, pp. 407-9.

would furnish an equitable solution and be the nearest approximation to an accurate construction of the words of the treaty.<sup>25</sup> This would have enabled the arbitrator to have considered the whole space between Vancouver Island and the continent as a channel dotted with islets and to have drawn the line approximately through the middle. A month later it was agreed by protocol to refer the question to the President of the Federal Council of the Swiss Republic.

The San Juan question became mixed with the naturalization question, the Alabama claims, the fishery question, and reciprocity. Its progress was painfully slow, being dependent upon the speed at which the other matters moved. The United States were not satisfied with the proposed settlement unless certain concessions were made. These, having been granted, an amended convention was arranged in January, 1869, and transmitted to the United States Senate for approval. It was there gently strangled by a vote to defer consideration until the next session—another form of the “six months’ hoist.” Strange as it may appear, the chief argument was that the claim of the United States to the Haro Archipelago was so clear that it should not be submitted to arbitration. Mr. Cushing says this was not the only reason. “There were objections to the *form* of submission.”<sup>26</sup> Ratification by the Senate may have its advantages from an American point of view, but it certainly places the negotiating power in a most invidious and humiliating position. As Goldwin Smith expressed it, it becomes necessary to look behind the credentials of a United States Ambassador and to enquire whether he has enough political support to warrant our treating with him.

The Governor of Washington Territory, and some twenty-three other persons, mostly officials, presented, on December 7, 1868, a memorial to the Senate protesting against any recognition of the “unfounded claims of Great Britain.” The Canal de Haro, said they, was clearly the boundary. Perhaps the gem of their reasons is: “Having already conceded from the line of 54° 40′ to that of 49° for the sake of peace, neither the honour nor the interests of the United States will admit of further surrender of rights.” Therefore they objected to any convention that admitted of a doubt of the line being along

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<sup>25</sup> Milton's San Juan, pp. 431-3.

<sup>26</sup> Cushing's Treaty of Washington, pp. 204, 205.

Vol. II—21

Haro Strait "or renders possible a surrender of those islands."<sup>27</sup> Surely a delicious *non-sequitur*.

After drifting along for two years, this question was taken in hand by the Joint High Commission of 1871. The English members were Lord De Grey and Ripon, Sir Stafford Northcote, Sir John A. Macdonald, Premier of Canada, Sir Edward Thornton, the British Ambassador at Washington, and Professor Montagu Bernard of the University of Oxford. The American members were Samuel Nelson, of the Supreme Court, Ebenezer Rockwood Hoar, of Massachusetts, George H. Williams, ex-Attorney-General, Gen. R. C. Schenck (minister at London), and Mr. Hamilton Fish, Secretary of State.

The British Commissioners proposed an arbitration based upon the rejected treaty of 1869. The reply was that it was well understood that that treaty was not favourably regarded by the Senate, and it was suggested that an effort be made by the Commission to settle the line. Again the old dispute stood out—the British claiming the Rosario, the Americans, the Haro Strait. Each disputant urged the view that its negotiators understood the Delphic expression to mean the strait now claimed by it. The Americans made the suggestion that the treaty might have been made "under a mutual misunderstanding," and they "therefore proposed to abrogate the whole of that part of the treaty and rearrange the boundary line which was in dispute before that treaty was concluded." This bold suggestion, calling from its grave the hideous spectre "54° 40' or fight," shocked the British Commissioners; they replied that "the proposal to abrogate a treaty was one of a serious character," and declined to entertain it. Yet the effect of the proposition is plainly seen in the later stages of the discussion.

The British now suggested a compromise by offering the middle channel, variously called the Douglas, the Washington, and the Active-Plumper channel, as Captain Prevost had offered fourteen years before. But the Americans refused to move from the Haro channel.

To end the deadlock, the British proposed a reference to arbitration. The Americans consented, upon condition that the question should be limited to determining whether the boundary should

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<sup>27</sup> Milton's *San Juan*, p. 437.







BRITISH-UNITED STATES BOUNDARY. YAHK RIVER



CAIRN, ETC., ON BOUNDARY LINE, EAST KOOTENAY

run through the Haro Strait or the Rosario Strait. In that proviso we have the key to the Senate's repudiation of the convention of 1869, which contained a clause that would have enabled the arbitrator to select the channel which approached the nearest to an accurate construction of the treaty. The division between Vancouver Island and the continent is not a channel in the strict sense: it is an archipelago through which many devious channels find their way. The various efforts of the British diplomats to add to the treaty some clause giving a discretion to the arbitrator were unsuccessful. After the suggestion of abrogating the treaty the Americans were masters of the situation.

The story of the negotiations which ended in the Treaty of Washington, May 8, 1871, is not pleasant; it almost brings the blush of shame. Was England, under the first Gladstone government, really an independent power? Conciliation on every line—concession after concession—abandonment of undoubted rights—"peace at any price."

The German Emperor, William, accepted the office of arbitrator and undertook the responsibility of deciding the question. The American case was presented by George Bancroft, the historian, who had been a member of the Cabinet at the time the treaty was negotiated and was, at the time of the arbitration, Minister at Berlin. The British case was presented by Mr. Petre, the British *chargé d'affaires*. In its preparation he had the assistance of Captain Prevost. The question was discussed at wearisome length and from every point, by both sides; copious extracts were made from the record of every navigator in the vicinity; and every map of the region was gathered in and reproduced.

The plain truth appears to be that in the desire to settle the Oregon question peaceably, the British Government cared but little where the line was drawn so long as the southern end of Vancouver Island, on which the Hudson's Bay Company's Fort Victoria was situate, remained British. Vancouver's chart was likely the only one its diplomats saw, if indeed, they even saw that. The whole line was laid down hap-hazard and, like the Maine boundary (which in its general features the San Juan dispute much resembled), in crass ignorance of geographical conditions and with the feeling that a century would go by before the territory would be of any value or

importance. If the British diplomats had in mind the Rosario Channel, along which Vancouver had sailed, as traced on his chart, they kept it securely secret; and if the Americans had the Haro Strait in mind they studiously refrained from saying so. The terms of the treaty fitted either strait, or perhaps it would be more nearly correct to say fitted neither strait. It scarcely admits of doubt that if a clause similar to that in the treaty of 1869 had been inserted in the Washington Treaty, 1872, the Douglas or middle channel, which more nearly than any other meets the requirements, would have been selected.<sup>28</sup>

The Emperor, it appears, referred the arguments to three experts—Doctor Grimm, vice-president of the Supreme Court, at Berlin, Doctor Kiepert, a pupil of Carl Ritter, and Doctor Goldschmidt, a member of the Superior Commercial Court at Leipsic—and, in accordance with their report made his award on October 21, 1872.<sup>29</sup> It was very concise. "Most in accordance with the true interpretation of the treaty concluded on June 15, 1846, between the governments of Her Britannic Majesty and of the United States of America, is the claim of the Government of the United States that the boundary line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro Channel."<sup>30</sup>

The British were disappointed. But it is difficult to conceive how any different result could have been anticipated on the issue as settled by Article 34 of the Washington Treaty, 1871. However, instead of protesting against the award, as the United States had done in the Maine boundary decision of the King of the Netherlands, they accepted it loyally. In a few weeks the force, which had been costing from \$12,000 to \$13,000 a year, exclusive of the pay of officers and men, was withdrawn.<sup>31</sup> The "Cronstadt of the Pacific" passed into the possession of the United States with a great blare of journalistic trumpets. Yet how much of the result depended upon the rejection of the convention of 1869 and the forcing of a false issue in 1871?

<sup>28</sup> Lord Russell's *Recollections and Suggestions*, pp. 327-30.

<sup>29</sup> Cushing's *Treaty of Washington*, pp. 221, 222.

<sup>30</sup> Smith's *England and America*, p. 380.

<sup>31</sup> Hansard, *Parliamentary Debates*, CXXIX, 1238.

## PART III





## CHAPTER XIX

### POLITICS AND GENERAL EVENTS—1871 TO 1875

The Legislative Council of 1870 was not destined to a long existence. As Governor Musgrave said in proroguing it on March 28, 1871: "Your existence as the first representative Legislature of the United Colonies of British Columbia and Vancouver Island will be ephemeral. Another of the measures to which I have referred will be the cause of your own extinction and the substitution of a larger and differently constituted legislative body." The members of this, the last Legislative Council of British Columbia, and who are now (1913) all deceased, except the Hon. Dr. Helmcken, were entitled to the prefix, "Honourable," for life.<sup>1</sup>

The 14th Article of the Terms of Union had pledged the Dominion to consent to representative government when desired by the people of British Columbia, and Governor Musgrave had intimated, at the opening of the session of 1871, his intention to introduce such a measure. This was the Constitution Act, 1871, whereby a Legislative Assembly of twenty-five members was substituted for the existing Legislative Council. The colony was divided into twelve electoral districts, six upon the mainland, and six upon the island; but the mainland obtained thirteen members, the island twelve. The Executive Council was to be composed of not more than five, though in the first instance, only three were named—the Colonial (Provincial) Secretary, Attorney-General, and Chief Commissioner of Lands and Works. Nine members were to constitute a quorum. The duration of an Assembly was to be four years, with annual sessions.<sup>2</sup> The sessional allowance was fixed at \$5 a day, with a maximum of \$250. Although assented to, it did not come into force until proclaimed by the Governor on July 19, 1871, the day previous to the entry of the colony into the Dominion.<sup>3</sup>

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<sup>1</sup> *British Columbia Gazette*, Jan. 27, 1872.

<sup>2</sup> 1871, Ordinances, No. 3.

<sup>3</sup> Appendix, Statutes, 1871, No. 28.

At last the position, for which progressive persons like Amor DeCosmos and John Robson had striven for many years, was reached. The agitation which had been going on on the mainland since 1861 now came to fruition. Yet there were many in the colony, or in the province, as it was thereafter to be called, who doubted the wisdom of the change. Not that these persons were opposed to the theory of representative government, but they felt that the existing conditions were not sufficiently stable, nor the population sufficiently numerous to admit of the satisfactory working of this form of government.

Another result of confederation was the improvement in finances. The net debt at union was \$1,000,405, for a population of ten thousand, five hundred and eighty-six. This burden had been assumed by the Dominion. There is not the least doubt that the promise that this debt, which bore so heavily on the small population, would be assumed by Canada, was, next to the Railway, the moving force towards confederation. Now the slate was clear. On the basis of the revenue for 1870 the situation was that the Dominion took from the provincial revenue \$363,500, being the amount derived from sources which now passed to it. This left to the province, on that basis, sources of revenue amounting to \$170,450. Adding to this the Dominion subsidies—\$35,000 for maintenance, \$48,000 *per capita* grant, \$100,000 for public lands, and \$29,908 for interest on debt allowance—a total income of \$383,358 appeared. Out of this, but \$236,073 was, on the basis of 1870, required for local government, leaving a balance of \$147,285 for the general work of development. It did look like a good bargain. It did appear that the era of constantly recurring deficits had passed away with the Colonial Government, and that the province, now relieved from the incubus of debt and able to regulate in every respect its outlay, should be able to live within its income.<sup>4</sup>

Governor Musgrave had done his work well and quickly. Having carried the union into effect, he took his departure from Victoria on H. M. S. *Sparrowhawk* on July 25, 1871. On his return to England he was sent to South Africa to introduce a new constitution to the colonists of Natal. Success crowned his efforts there also, and, after less than a year's residence, he was appointed Governor of South Australia. During his term in that colony he was knighted. His

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<sup>4</sup> Mr. Trutch's Speech on Confederation, *Daily British Colonist*, Jan. 19, 1871.

next appointment was Governor of Jamaica; in 1883 Sir Anthony was appointed Governor of Queensland. He died there in October, 1888.<sup>5</sup>

His successor was the well-known Mr. Joseph W. Trutch (afterwards Sir Joseph), so frequently referred to in our sketch of colonial history. The new Governor was born at Ashcot, England, in 1826. He had been educated at Exeter, and had learned his profession—a civil engineer—under Sir John Rennie, C. E. In 1849 he came to the Pacific Coast and practiced his profession in the western states, and later in Illinois, until 1859, when he came to British Columbia. He was one of the pioneer road and bridge builders of the colony. He had been for some years—from 1864 downwards—Chief Commissioner of Lands and Works and Surveyor-General of British Columbia, and an *ex-officio* member of the Legislative Council.<sup>6</sup> All these circumstances made his selection as the first Lieutenant-Governor of the province most fitting. He was, moreover, a man of high honour and integrity, whose advice was always dictated by a regard for the public interest.<sup>7</sup>

The elections of members of the first Legislative Assembly occurred in the latter part of 1871, extending from October to December. Those were the days of oral nomination and open voting. The members elected were:

Victoria City—J. F. McCreight, Simeon Duck, Robert Beaven, James Trimble; Victoria District—Hon. Amor De Cosmos, Arthur Bunster; Esquimalt—A. Roche Robertson, Henry Cogan; Cowichan—William Smithe, John P. Booth; Comox—John Ash; Nanaimo—Hon. John Robson; New Westminster City—Hon. H. Holbrook; New Westminster District—J. C. Hughes, W. J. Armstrong; Cariboo—George A. Walkem, Joseph Hunter, Cornelius Booth; Kootenay—John A. Mara, Charles Todd; Lillooet—Hon. T. B. Humphreys, A. T. Jamieson; Yale—Robert Smith, J. A. Robinson, Charles A. Semlin.

During the last days of Governor Musgrave's rule, Mr. (afterwards the Hon. Mr. Justice) J. F. McCreight had held the office of acting Attorney-General. The Lieutenant-Governor called upon him to form a Ministry. He selected as his colleagues Hon. A. Roche

<sup>5</sup> Beggs' History of British Columbia, p. 404.

<sup>6</sup> Biographical Dictionary, pp. 311, 312.

<sup>7</sup> Pope's Life of Sir John A. Macdonald, vol. 2, p. 145.



Robertson (afterwards Mr. Justice Robertson), Provincial Secretary; Hon. H. Holbrook; Hon. George A. Walkem (afterwards Mr. Justice Walkem); Mr. Holbrook at first took the portfolio of Chief Commissioner of Lands and Works, but this was understood to be merely temporary. Upon Mr. Walkem's election in Cariboo he became Chief Commissioner, and Mr. Holbrook took the unsalaried position of President of the Council. It will be noticed that three out of the four members of the McCreight Government became, later, Judges of the Supreme Court. The Hon. John Robson was offered a seat in this cabinet, but refused.<sup>8</sup>

A better feeling now permeated the province, which was recovering slowly from the depression. The gold mines of Omineca were producing, not very largely it is true, but nevertheless in such quantity as to raise hopes for the future. Cariboo was still giving up her treasures, though in diminished quantity. The deep diggings on Lightning Creek were coming into prominence and promising to fulfil the confident anticipations of ten years before. The people were beginning to realize that the province had other sources of wealth. The coal mines of Nanaimo were yielding thirty thousand to forty thousand tons per annum, which found a ready market in San Francisco, and were employing from two hundred to three hundred men.<sup>9</sup> The wealth of the waters was being gathered in. Three whaling companies, carrying on business on quite a large scale, were at work, principally in the Strait of Georgia. Salmon packing had commenced—and large quantities of these fish were being exported as salt salmon, though already British Columbia canned salmon had obtained more than a local reputation. Agriculture had made its appearance, principally at Chilliwack and on the delta of the Fraser and in the vicinity of the Cariboo road. Cattle raising in the Nicola and Okanagan regions was already supplying, to a certain extent, the local markets. Ship-building, in a small way, had begun. Down to 1871 some thirty-one vessels of all classes had been constructed. The province boasted a few manufactories: in New Westminster were three sawmills, a grist-mill, and a distillery; in Hope, Yale, and Lytton two sawmills and five flour-mills; in Lillooet and Clinton a combined saw and flour-mill which, in 1870, produced four hun-

<sup>8</sup> *British Columbian*, July 8, 1882.

<sup>9</sup> Blue Book, 1869, 1870; Langevin's Report, p. 11.





LEGISLATIVE ASSEMBLY, 1872, FIRST PARLIAMENT AFTER CONFEDERATION



LEGISLATIVE ASSEMBLY, 1878, THIRD PARLIAMENT

dred tons of flour; flour-mills at Dog Creek and Lillooet; sawmills at Clinton and Lillooet; in Kootenay, a sawmill; in Cariboo, sawmills at Williams Creek, Lightning Creek, and Quesnel; a quartz-mill on Williams Creek; flour-mills at Quesnel and Soda Creek; a sawmill at Nanaimo; in Victoria, a gas works, an iron foundry, two sash factories, four breweries, two distilleries, two tanneries, two lumber yards, a soap factory, and a ship-yard. Lumber was being exported to Australia, China, Chili, Peru, Mexico, Tahiti, and the Hawaiian Islands—up to the end of 1871 over fifty-three million feet, valued at \$862,059, had been shipped. Coal found a market in the United States; fish and fish oil in the United Kingdom, Hawaii, and the United States. In 1870 the exports amounted to \$208,364, exclusive of gold, which reached in that year \$1,336,956.<sup>10</sup>

The exploratory surveys for the railway commenced in 1871 as soon as the province entered the Dominion. Their story will be told in another place. The long delays, the disappointments, the heart-aches which were to occur before a tie was placed or a rail laid, were not foreseen; but freed from the load of debt, and with visible evidence of the interest of Canada, as shown by the visit of Sir Hector L. Langevin, the Minister of Public Works, with the railway surveys commenced and construction promised within two years, the pioneers looked upon the future with revived confidence and renewed hope.

The first Legislative Assembly after confederation met on February 15, 1872. All was in an inchoate condition. With confederation the whole past, was, as it were, blotted out. There were no parties and no party lines. It was impossible to forecast how the dividing line would be drawn, or what forces would be operative. The old "Island vs. Mainland" cry had, however, sufficient vitality to survive. The mainland had thirteen members, the island twelve; the island had two salaried portfolios, the mainland, one. Here was a spark which might be blown into a flame. To this was added a stronger, because a more personal, argument—the McCreight Government neglected or refused to increase the sessional allowance. Round these two points sufficient strength collected to have defeated the Government, but it was held in check by public sentiment which desired the Government to have a chance to carry on their work,

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<sup>10</sup> Langevin Report, pp. 14-22 and app. Y.



and was opposed to an election so soon after those of 1870 and 1871. Those who had struggled for responsible government were disappointed that the experiment should have been entrusted to Mr. McCreight, who was one of the many that thought the country not yet ripe for complete autonomy. Amongst the opposition were strong men, like the Hon. John Robson, Amor De Cosmos, and Thomas B. Humphreys. The only bond among them, however, was opposition to Mr. McCreight.

Mr. McCreight was a profound lawyer; he was not a politician. His work in this session showed a clear conception of the changed conditions. The laws he placed on the statute book of 1872 put him in a high position as a lawmaker. These included acts for the Interpretation of Statutes; for defining the Privileges, Immunities, and Powers of the Legislative Assembly; for enabling Select Committees on Private Bills to take evidence under oath; to establish a Consolidated Revenue Fund; to enable the Lieutenant-Governor to appoint Justices of the Peace, Coroners, and Notaries Public; for continuing the Assembly in the event of the death of the Sovereign; to provide for Enquiries concerning Public Matters; for the giving of security by Public Officers; for the Registration of Births, Deaths, and Marriages; for declaring the course of descent of Real Estate; for levying a Probate and Administration Duty; for the registration of Foreign Companies; a Municipal Act; a new Public School Act; a Breeding Stock Act; besides a number of acts for the better administration of justice and for amending defects in the existing statutes.<sup>11</sup>

The tolls on the Cariboo road had, for years, been a great burden upon the chief industry of the country. Exclusive of the tolls on the Alexandra Suspension Bridge and Spence's Bridge, they amounted to a tax of 2 cents a pound on all goods taken into Cariboo—made up as follows:<sup>12</sup> on leaving Yale or Douglas, 2s, 1½d, (50 cents) for every fifty pounds, and then, upon leaving Lytton or Lillooet, another charge of a half penny (or 1 cent) a pound.<sup>13</sup> Though often brought before the Legislative Council, no relief had been obtained. During the period of depression the agitation for their removal had continued, but in those days of deficits no source of income could be neglected. Now, however, that the debt which had been incurred

<sup>11</sup> Acts, B. C., 1872.

<sup>12</sup> Road Tolls Act, 1860; Road Tolls Extension Act, 1863.

<sup>13</sup> Proclamations, 1862, Nos. 3, 4.

in building the Cariboo road had disappeared, the reason for the existence of the tolls had vanished, and the McCreight Ministry gladly took the opportunity of abolishing them.<sup>14</sup>

By Article 7 of the Terms of Union, British Columbia was entitled to remain under her existing customs and excise duties until the completion of the railway, unless the Legislature should decide to accept, at an earlier date, those of Canada. At this session the Legislature so decided, thereby indicating a desire to strengthen the union and evidencing their full confidence that the Dominion would live up to the railway agreement.<sup>15</sup> The abolition of the road tolls and the acceptance of the Canadian tariff were in accordance with the general feeling and served to make the Government quite popular.

British Columbia was given three members in the Senate and six in the House of Commons. The Senators appointed were: Dr. R. W. W. Carroll, Clement F. Cornwall, and W. J. Macdonald. The first representatives in the Commons were: Cariboo, J. Spencer Thompson; New Westminster, Hugh Nelson; Vancouver Island, Robert Wallace; Victoria, Henry Nathan and Amor De Cosmos; Yale, Charles F. Houghton. Four of these persons will be recognized as having taken a part in the Yale Convention of 1868; and it will be noted that Amor De Cosmos also held a seat in the Local Legislature as member for Victoria District. These representatives only sat for one session, but in the next election for the House of Commons, held July 29, 1872, those for Cariboo, New Westminster and Victoria were reelected, Yale returned Mr. Edgar Dewdney, and Vancouver Island, Sir Francis Hincks.

The 6th Article of the Terms provided that suitable pensions should be allowed by the Dominion to those civil servants whose positions would be affected by the political changes incident to the union. In April, 1871, after consideration by the Executive Council of British Columbia, Canada made annual retiring allowances as follows: Colonial Secretary, £600; Chief Commissioner of Lands and Works, £600; Collector of Customs, £600; six stipendiary magistrates (or County Court Judges), £350 each; and Auditor-General, £350.<sup>16</sup> A number of these officials remained in office until

<sup>14</sup> Acts, 1872, No. 2.

<sup>15</sup> Acts, 1872, No. 3.

<sup>16</sup> Disallowance Report, p. 1055.

some years later and this order did not, therefore, come at once into full force. It is, however, included here to aid in making more complete the view of the changed conditions.

The second session of the Legislative Assembly opened on December 17, 1872, with Mr. McCreight still in office. His experience of the preceding session had disgusted him with local politicians and their narrow and sectional views. The opposition marshalled its forces, which during the recess had been strengthened by the defection of some of the Premier's supporters. It was even suggested that the whole plan for the defeat of the Government had been arranged before the opening of the session, and that some of the present Ministers were parties to the scheme.<sup>17</sup> On the third day the bolt was shot. The Hon. T. B. Humphreys moved a resolution, "That whilst entertaining the fullest confidence in that form of administration known as responsible government, still we believe that the administration of public affairs has not been satisfactory to the people as a whole." On the division, Mr. McCreight found himself in a minority of one. Four days later he resigned, glad to be free from an office for which he had neither fondness nor aptitude, and which he had only accepted at the earnest solicitation of the Lieutenant-Governor.

Much chagrined at the course events had taken, the Lieutenant-Governor called upon Mr. Amor De Cosmos to form a Ministry. This gentleman was one of the pioneer journalists of the province; and had been a prominent figure in its politics. The part he took in the agitation for confederation, we have already seen. In the words of the Hon. Robert Beaven, who knew him intimately and is well qualified to express an opinion: "Mr. De Cosmos was, when in his prime, one of the most capable public men this province has had. He was truly a statesman." His Government was composed of Hon. Amor De Cosmos, Premier and President of the Council; Hon. George A. Walkem, Attorney-General; Hon. Robert Beaven, Chief Commissioner of Lands and Works; Hon. John Ash, Provincial Secretary; Hon. W. J. Armstrong, without office.

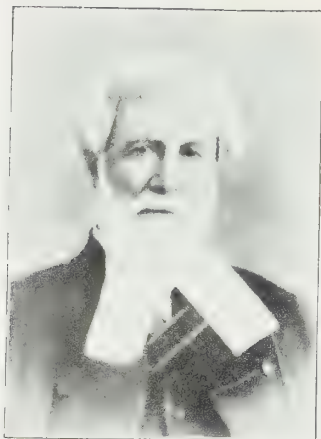
The Constitution Act having been amended to increase the Executive Council to six members, Mr. Armstrong was, in February, 1873, appointed to the newly created portfolio of Finance and Agricul-

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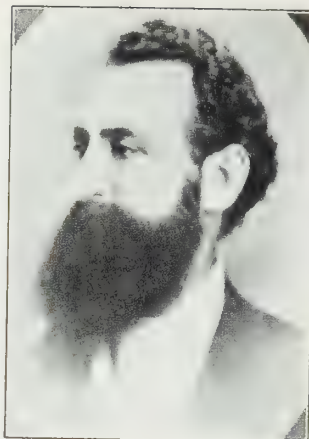
<sup>17</sup> *British Columbian*, May 6, 1882.



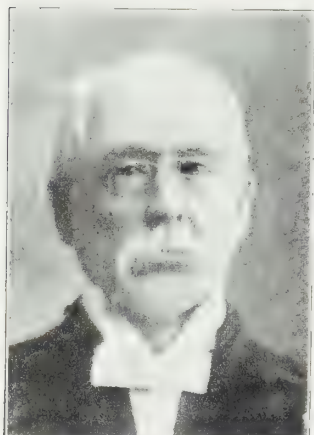




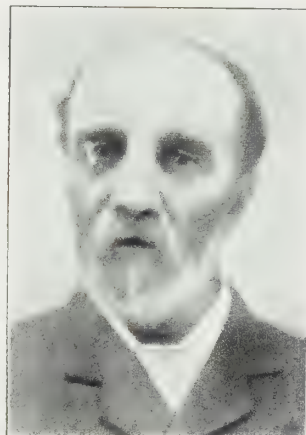
JOHN FOSTER McCREIGHT  
(1871-72)



AMOR DE COSMOS  
(1872-74)



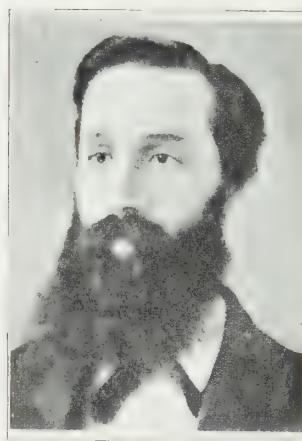
G. A. WALKEM  
(1874-6 and 1878-82)



A. C. ELLIOTT  
(1876-78)



R. BEAVEN  
(1882-3)



WILLIAM SMITHE  
(1883-87)

PREMIERS OF BRITISH COLUMBIA

ture.<sup>18</sup> Some remarks having been made upon Mr. Walkem's action in accepting a place in this Government after having been a member of the preceding one, Mr. McCreight stated that he did so with his approbation, and indeed this could readily be so, for so little variance was there in the policies that the new Government accepted, with a few verbal alterations, their predecessor's address in reply. It had been expected that the Hon. John Robson and the Hon. T. B. Humphreys, both of whom had been in the forefront of the opposition, or at least one of them, would have been taken into the De Cosmos Ministry. The wisdom of Mr. De Cosmos in refusing to accept the latter as a colleague is made manifest by his conduct when, in 1876, he was a member of the Elliott Government. The fact is that this gentleman's talents were destructive, not constructive. He was a tower of strength in opposition, but of weakness in office. The new Government developed great strength, receiving the support of seventeen members.

In the opening speech, the McCreight Government had announced their intention of abolishing open voting and substituting therefor the ballot: "A bill will be introduced and recommended to your acceptance providing for the taking of votes by ballot in the election of members of your Honourable House."<sup>19</sup> Their successors fell heir to this popular suggestion and passed an Act for that purpose at this session.

The "Island vs. Mainland" cry had made a point of the fact that two of the portfolios in the McCreight administration were held by island seats, and only one by a mainland seat. The addition of the new portfolio gave two ministers—Messrs. Beaven and Ash—to the island, and two—Messrs. Walkem and Armstrong—to the mainland. This, it was hoped, would end that clamor. It failed to do that, and it gave a handle to a charge of inconsistency, in that while preaching retrenchment and economy, and cutting down salaries already small enough, and abolishing offices, they had added the expense of a new Minister.

For some time an agitation against dual representation had been growing. It had its origin, so far as British Columbia was concerned, in an incident which occurred in 1872.<sup>20</sup> Many in Victoria

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<sup>18</sup> Acts, 1873, No. 31.

<sup>19</sup> Acts, 1873, No. 6.

<sup>20</sup> Gosnell, *British Columbia*, p. 127.

objected to the introduction of the Canadian Tariff, and Mr. De Cosmos was outspoken in his opposition to such a move. Just before the question was introduced into the Local House (March 1st), Mr. De Cosmos, who dearly loved the larger sphere of Federal politics, hied him away to Ottawa, although Parliament did not open until April 11th, thus leaving the opposition without the assistance of his voice and vote. The feeling caused his own Government to pass an act abolishing dual representation. A similar statute was passed by the Federal Parliament. Mr. De Cosmos accordingly, resigned his seat in the Legislature and his position as Premier on February 9, 1874. Mr. Arthur Bunster, the other member for Victoria District, resigned his seat at the same time to enter Dominion politics. Dr. W. F. Tolmie and Mr. W. A. Robertson were elected in their stead.

On Mr. De Cosmos's resignation the Hon. George A. Walkem became Premier, retaining as his colleagues the Ministers then in office.

In the Dominion elections in 1874 the following were elected as members of the Commons: Cariboo, J. Spencer Thompson; New Westminster, James Cunningham; Victoria, Hon. Amor De Cosmos and F. J. Roscoe; Vancouver Island, Hon. Arthur Bunster; Yale, Edgar Dewdney.

In 1874 occurred what is known as the Texada Scandal. The circumstances giving rise to this trouble were that, about 1871, one Harry Trim, who was then engaged in fishing in the vicinity of Texada Island, discovered a large iron deposit on the northern end of that island. He reported the find to Mr. S. P. Moody, one of the owners of the Moodyville sawmill on Burrard Inlet, and steps were taken in June, 1873, to secure the land. About the beginning of August, Mr. Moody came to Victoria and invited Mr. De Cosmos, Mr. Walkem, and others, to visit the island with him. The *Standard*, Mr. De Cosmos's newspaper, referring to this intended visit, said that the Premier was visiting the mainland on private business and did not mention his intention to go to Texada Island.<sup>21</sup> In announcing his return, no hint was given that he had been to the island. The party inspected the iron deposit, and immediately upon their return some thirteen applications were made to purchase the land in

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<sup>21</sup> *Victoria Standard*, July 26, July 30, Aug. 7, 1873.







R. Beaven, Dr. Ash, A. R. Robertson, John P. Booth, James Robinson, J. C. Hughes, Robert Smith, John Robson, C. Todd, W. F. Tolmie, W. M. Brown, J. F. McCreight, W. Smithe, G. A. Walker, J. G. Barnston, C. A. Semlin, W. A. Robertson, W. J. Armstrong, S. Duck, Dr. Trimble, In Background—The Janitor, George Williams.

LEGISLATURE—1874

the names of friends of Mr. Moody; to make it more secure, the same land was also covered by mining claims. When Mr. De Cosmos went to Ottawa he endeavored to interest capitalists in the property and when in England, a little later, he made some efforts to effect a sale. In February, 1874, just on the eve of the Dominion election, the *Colonist* published that this valuable iron mine was really held by the nominal preëmtors as agents for (amongst others) Messrs. De Cosmos, Walkem, and Beaven, the principal members of the Government in 1873.<sup>22</sup> Later in that month, the Hon. Mr. Robson brought the subject before the Legislative Assembly and asked for a Royal Commission to investigate the circumstances. The request was defeated, but immediately thereafter a resolution substantially similar was passed on the motion of the Hon. Mr. Walkem.<sup>23</sup> The Lieutenant-Governor appointed, on March 13, 1874, the three Judges of the Supreme Court, Sir Matthew Baillie Begbie, Henry Pering Pellew Crease, and John Hamilton Gray, as the Commissioners. The investigation began on March 24th and was continued until October 5, 1874. All the members of the Provincial Government, all the persons whose names had been used in preëmpting the land, all persons appearing to have any interest in that part of Texada Island, and all whose names had been in any way connected with the subject, were called upon to give evidence. As Chief Justice Begbie said, the Commission would first hear all witnesses Mr. Robson chose to call—witnesses for the prosecution, so to speak—then any witnesses in reply; then any person who considered his character implicated could call witnesses, then the Commissioners would call any witnesses they thought could throw light on the subject, and then there would be a general reply open to all, and the investigation would close. The report, which is dated October 8, 1874, finds that while circumstances apparently suspicious attended the preëmptions on Texada Island in August, 1873, yet there was not sufficient ground to believe that any member of the late (De Cosmos) or present (Walkem) Government, either by himself or in unlawful or dishonourable combination with any other person, had attempted to acquire the iron of Texada in a manner prejudicial to the interests of the public.<sup>24</sup>

<sup>22</sup> *Daily Colonist*, Feb. 9, 1874.

<sup>23</sup> Journals, Feb. 20, 1874.

<sup>24</sup> Report of Royal Commission, Texada Island, Sessional Papers, 1875, p. 180, et seq.  
Vol. II—22

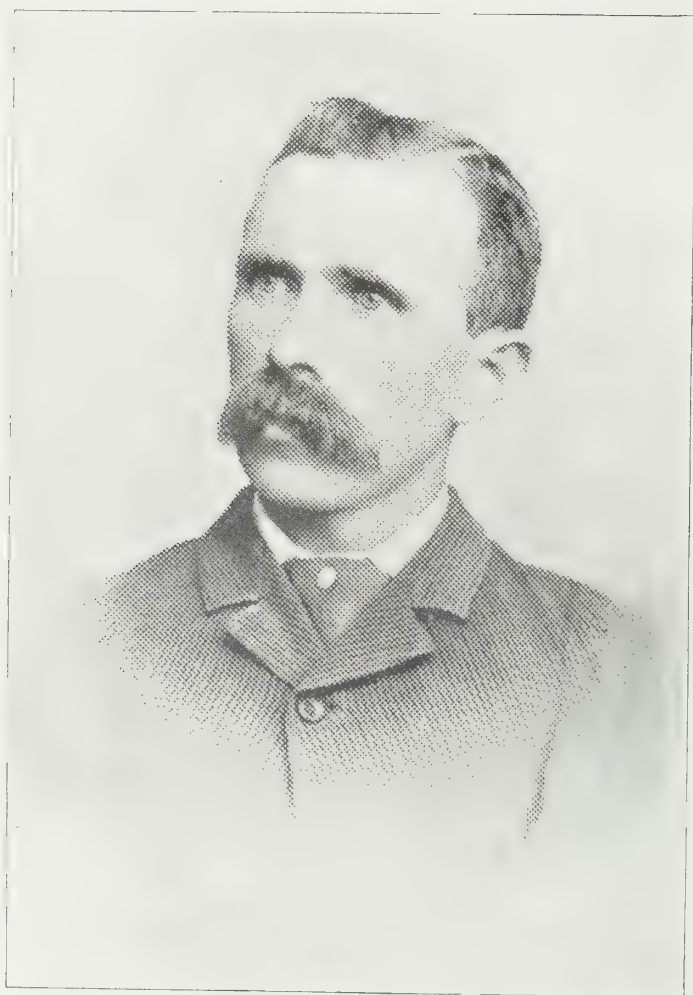
In 1875 occurred the wreck of the steamer *Pacific*. This vessel had been in the thickest of the Fraser River excitement in 1858. She had been retired from active service in 1872, but the Cassiar excitement brought her out, as it did every other old packet that could float. On November 4, 1875, the *Pacific*, in command of Capt. J. D. Howell, a brother-in-law of Jefferson Davis, steamed out of Victoria Harbour on her last trip, carrying about \$100,000 in treasure, a passenger list of over two hundred, and a crew of about fifty. The exact number on board will never be known as many sailed without tickets and, at that season, the miners were streaming out of Cassiar by hundreds and pressing southward, making close connections; in such a rush, records are necessarily incomplete. On the testimony of eye witnesses, her decks were black with people as she drew away from the wharf.

Off Cape Flattery, at 10 o'clock that night, the *Pacific* collided with the *Orpheus*, a sailing vessel bound from San Francisco to Nanaimo for coal. The impact was but slight—a glancing blow—yet it was too much for the rotten old hulk. She filled and sank in a very few moments, carrying to death all on board, with the exception of two persons—Neil Henley, a quartermaster, and Henry F. Jelley, a passenger. After the collision the *Orpheus* continued her course without making any effort to save those on the steamer—utterly oblivious of them.

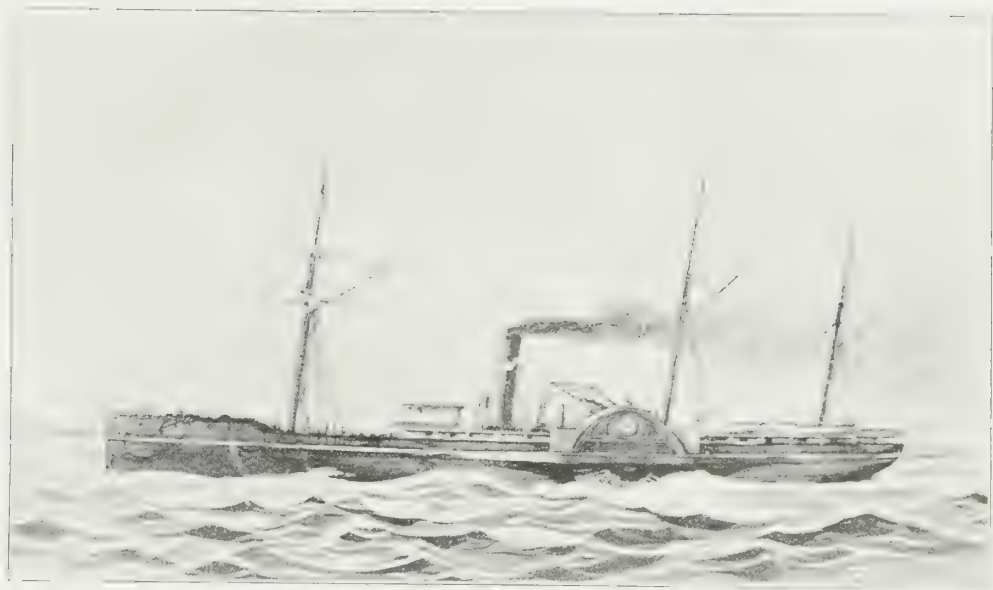
This calamity—the most awful in the history of the province—cast a deep gloom over the whole community. Scarce a family but mourned a relative or a friend; and this loss was embittered by the thought that the sea was calm at the time and that many could have been saved if those on the *Orpheus* had been desirous of doing so, or had been actuated by the ordinary feelings of humanity. It seemed somewhat like retributive justice that the *Orpheus* herself was wrecked, though without loss of life, a few hours later near Cape Beale. Amongst the lost on the *Pacific* were Mr. F. Garesche, of Garesche, Green & Co., bankers of Victoria; Mr. S. P. Moody of Moodyville, Burrard Inlet; Captain Parsons of Fraser River; Mr. J. P. Sullivan, the Gold Commissioner of Cassiar; the Mandeville family, well known in the theatrical world; Mr. Victor, the husband of Mrs. Frances Fuller Victor, the authoress; and many others equally well known. Perhaps, one of the saddest incidents in connection



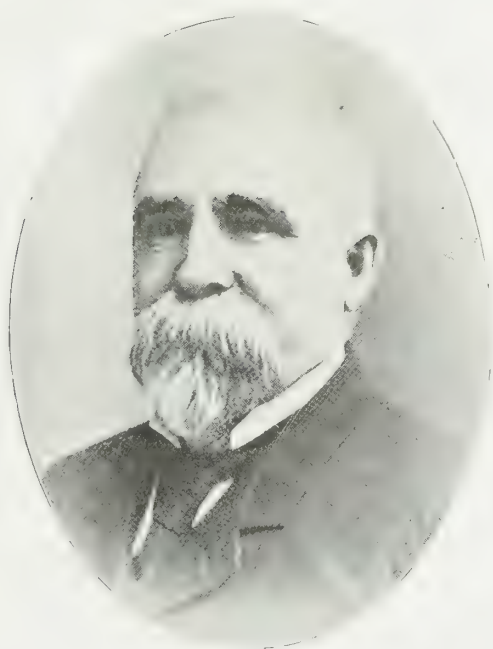




NEIL HENLEY



STEAMSHIP "PACIFIC"



CAPTAIN CHARLES A. SAWYER



CAPTAIN JEFFERSON D. HOWELL



with this mournful story was that of Miss Fanny Palmer, the daughter of Digby Palmer of Victoria. The relentless sea cast up her lifeless body almost on the door yard which she had left a few hours before, full of life and hope.<sup>25</sup>

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<sup>25</sup> Lewis & Dryden, *Marine History*, p. 223, et seq.





## CHAPTER XX

### . THE RAILWAY DIFFICULTY OF THE CARNARVON TERMS

Before entering into the troubles arising out of the 11th Article of the Terms of Union it may be interesting to deal shortly with the genesis and growth of the idea of a railway across British North America, connecting the Atlantic and Pacific oceans.

The dreamer generally precedes the practical man. Who first dreamed of this colossal undertaking? Certain it is that long before gold was discovered in this western land, yea, even before the Colony of Vancouver Island was thought of, at a time when the adventurous and self-sacrificing Jesuits and Oblates had scarce found their way into the mainland of British Columbia, men far ahead of their fellows, had begun to think publicly of such a railway. As long ago as 1847, Major R. Carmichael-Smyth, in a letter *On the Employment of the Capital and Population of Great Britain in her own Colonies*, addressed to Sam Slick, strongly advocated its execution as an Imperial work. "This national highway," he wrote, "from the Atlantic to the Pacific, is the great link required to unite in one chain the whole English race. It will be the means of enabling vessels steaming from our magnificent colonies—from New Zealand, Van Diemen's Land, New South Wales, New Holland, from Borneo, the West Coast of China, from the Sandwich Islands, and a thousand other places—all carrying the rich products of the East to land them at the commencement of the West to be forwarded and distributed throughout our North American provinces and delivered within thirty days at the ports of Great Britain."<sup>26</sup>

Sir Richard Henry Bonnycastle, C. B., R. E., in his work entitled *Canada in 1846*, says: "Nay more; we shall yet place an

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<sup>26</sup> Quarterly Review, January, 1887, p. 120.

iron belt from the Atlantic to the Pacific, a railroad from Halifax to Nootka Sound, and thus reach China in a pleasure voyage."

In 1849, Fitzgerald, in his *Hudson's Bay Company and Vancouver Island*, dealt with the necessity of opening an overland communication between the Canadas and the Pacific; but he was not bold enough to suggest a railway. It should be a line of traffic and for travellers, straight across from ocean to ocean.<sup>27</sup>

In 1850 appeared a volume, now quite rare, entitled *Britain Redeemed and Canada Preserved*, by F. A. Wilson and A. B. Richards. The scheme evolved by these authors was founded upon the social conditions of England. A railway across British North America should be built by convict labour, for which purpose they proposed to import some twenty thousand convicts; its construction would give the pauper population of Great Britain access to the virgin soil of the Northwest Territories. Thus the motherland would be freed from two undesired factors in her social problems, and the colony would receive the railway and a population. In their opinion, a railroad to the Pacific could be built at little cost (the rails might even be of wood); the land could be had free; the sleepers could be got for the taking down; and the cuttings could be made at a very cheap rate. In a volume of over five hundred pages the plan is fully elaborated. Not the least interesting parts are the map of the suggested line, and the detailed scheme showing the distribution of the convicts on each four hundred mile section. The former shows a railway from Halifax to Quebec and thence, with a charming disregard of topographical conditions, in a straight line by Lake Temiscaming, Fort Garry, and the Arrow Lakes to Fort Langley. How easy it is to build railroads on paper! The Rockies and the Selkirks are then mere airy nothings. The other plate shows stations of varying importance every twelve and a half miles, with the number of convicts, men and women, in each. To make the proposal clear to the dullest perception, a view of the convicts at work in charge of a guard with loaded rifles is shown at the bottom.

Two years later Capt. Millington Henry Synge, R. E., published a small work, *Great Britain, one Empire*, with the sub-title: On the union of the Dominions of Great Britain by intercommunication with the Pacific and the East *via* British North America,

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<sup>27</sup> Op. cit., chap. VI, pp. 127, 128; Synge, *Great Britain, one Empire*, p. XVII.





PART OF NORTH AMERICA

Showing the Proposed Line of Railway



with suggestions for the profitable colonization of that wealthy territory. The author discusses the different schemes for uniting the Atlantic and Pacific oceans, and decides that a railway line across British North America would be the best. The long stretches of water would, for a time, be utilized to connect the various railway links. As with all his predecessors, the intercommunication was not so important to him as the opportunity to keep British subjects within British territory, retaining their services in the upbuilding of the state and changing them from a burden into a source of wealth production. He intended to employ in the construction of the railway, not criminals but the poor of Britain, who should be induced or assisted to emigrate to the new land, work upon the railway, and at the same time, or later, obtain land and settle down to improve the homes to which their labours should, in the meantime, have given access. The waterways would form a route along which the settlers might even be in advance of the railway. Regarding the location, he had no difficulty as far as Fort Garry, but beyond that he only said that "it would run in a direct line to the most practicable pass in the Rocky Mountains and, guided by the same considerations, descend to the shores of the Pacific."<sup>28</sup>

Gradually the suggestion of a transcontinental railway in British possessions found favour. The Hon. Joseph Howe, the Provincial Secretary of Nova Scotia, one of the greatest and brightest minds that wonderful little province has produced, was amongst its strongest supporters. The works of the Rev. G. C. Nicolay, Mr. Doull, C. E., and Mr. George Troup kept it before the public. During the investigation by the Parliamentary Committee in 1857, the possibility of a railroad across British North America was incidentally discussed. The colonization element which had, theretofore, been so much relied upon was now used principally as an argument for a railway to the Red River settlement and the great Northwest. Those who urged its extension to the sea-coast looked upon it as a highway for the trade of China and India, and as being in the interests of a broad Imperial policy. As John Ross, the President of the Grand Trunk Railway put it, such a scheme was "taking rather a long flight."<sup>29</sup> We have already seen the prophecy of Sir E. B. Lytton in 1858. The leaven was working.

<sup>28</sup> *Op. cit.*, pp. 88, 89.

<sup>29</sup> Report on Hudson's Bay Co., 1857, pp. 7, 12.

In the *Emigrant Soldiers' Gazette*, published by the Royal Engineers while on their voyage to British Columbia, we see the opinions of the time, and learn that all thought the proposed railway across British North America to be within the bounds of possibility.<sup>30</sup>

But people were ignorant of the topography of the country beyond the prairies. The Leather or Yellowhead Pass had been known since about 1835 and was used for the occasional conveyance of dressed moose leather from the Saskatchewan to the posts in upper British Columbia.<sup>31</sup> The Howse Pass, so often travelled by David Thompson, had been practically abandoned in favour of the Athabasca Pass, which he had discovered and crossed in that adventurous winter journey of 1810-11. The latter was the regular route of the brigade to and from the Columbia. The Kananaskis Pass, which Sir George Simpson discovered in 1841, was used later, viz., in 1854, by the emigrants under James Sinclair on their journey with their cattle and carts from Red River to Fort Vancouver.<sup>32</sup> They were, however, unable to take their carts through this pass, and their remains were found in 1858 by Captain Blakiston. Real scientific information about the "ravines" across the backbone of America was wanted.

The British North American Exploring Expedition, under Capt. John Palliser, which was organized on the recommendation of the Royal Geographical Society, spent from 1857 to 1859 gathering authentic information concerning the relatively unknown land beyond Fort Garry.<sup>33</sup> A portion of his instructions required Captain Palliser to endeavor, from the best information he could collect, to ascertain whether one or more practicable passes existed over the Rocky Mountains within the British territory and south of that known to exist between Mount Brown and Mount Hooker--i. e., the Athabasca Pass.<sup>34</sup> Dr. James Hector accompanied Captain Palliser. He was an accomplished naturalist, an "accurate mapper" of original country, and an experienced traveller. The work of exploration was carried on by dividing the party, Palliser

<sup>30</sup> Op. cit., Feb. 26, 1859.

<sup>31</sup> Anderson's *British Columbia*, app., p. xxxvii.

<sup>32</sup> Simpson's *Voyage*, vol. 1, p. 114; Report Hudson's Bay Co., 1857, pp. 121-356; Palliser *Further Papers*, pp. 26-66.

<sup>33</sup> Palliser *Further Papers*, p. 30.

<sup>34</sup> Palliser, Report, Oct. 7, 1858, in *Proceedings, Royal Geographical Society*, 1859, p. 295.

taking one portion, Hector, another, and sometimes Mr. J. W. Sullivan, the secretary, a third portion. By the end of 1858 six passes had been examined and laid down: From the south branch of the Saskatchewan to Kootenay River—two, the Kananaskis and Vermilion Passes; from the Kootenay River to the Columbia—two, the Lake Pass and the Beaver Foot Pass; from the south branch of the Saskatchewan to the north branch—one, the Little Fork Pass; from the south branch of the Saskatchewan to the Columbia River—one, the Kicking Horse Pass.<sup>35</sup>

Attached to the expedition, at the request of the Royal Geographical Society, was Capt. Thomas Blakiston of the Royal Artillery. Some friction arose with regard to his position in the expedition when the commander placed him under another officer. Considering himself an independent *attaché*, he resented such usage and, separating from the expedition in the summer of 1858, carefully examined the Kootenay Pass and the Boundary Pass, the former in 49° 34' north latitude, the latter lying on each side of the boundary line. In his report dealing with the eight passes—the Leather, Athabasca, Howse, Kicking Horse, Vermilion, Kananaskis, Crow's Nest, and Kootenay—he says: "The passes of which the altitudes are known do not differ greatly, and I refrain from commenting on their relative merits, because, before any particular one can be selected for the construction of a road, the easiest land route from Hope, at the western bend of Fraser River should be ascertained, which, considering the distance, would be no very great undertaking. In conclusion, I would only remark that *at present no pass in British territory is practicable for wheeled carriages.*"<sup>36</sup> [The italics are Captain Blakiston's.]

Doctor Hector had, in 1858, explored the Vermilion Pass and expressed the opinion that a wagon road might readily be constructed through it, and that a project of a railroad by this route might be reasonably entertained.<sup>37</sup> The Kicking Horse Pass, through which the Canadian Pacific Railway runs, was discovered and explored by Doctor Hector in 1858; but, owing to the accident indicated by its name, he was unable to give it careful personal examination.<sup>38</sup>

<sup>35</sup> Palliser in Royal Geographical Society, 1859, p. 296.

<sup>36</sup> Palliser Further Papers, p. 61.

<sup>37</sup> Id., p. 5.

<sup>38</sup> Royal Geographical Society, 1859, pp. 299, 300.



The summer of 1859 was partly spent by Doctor Hector in examining the Howse Pass. He found the descent on the western side quite steep—two thousand feet in thirty-five miles—the difficulties of which occupied him nine days, which was about the average time David Thompson used to consume.<sup>39</sup> At the same time Palliser examined the Kananaskis, which he regarded as preferable, both for its direct course through the mountains and its easier grades.<sup>40</sup>

The net result of these explorations was most unsatisfactory. Captain Blakiston had said there was no practicable pass for wagons, let alone a railway; Captain Palliser reached the conclusion that even a wagon road across the Canadian Rockies would likely be snow-bound for such a period annually as to render it useless. No attention had been given to the Selkirks; Palliser was content to join his work to the Brigade trail connecting with Fort Hope. His language is strong: "The knowledge of the country on the whole would never lead me to advocate a line of communication from Canada across the continent to the Pacific, exclusively through British territory. The time has now forever gone by for effecting such an object, and the unfortunate choice of an astronomical boundary line has completely isolated the Canadian-American possessions of Great Britain from Canada in the east and also almost debarred them from any eligible access from the Pacific coast on the west."<sup>41</sup>

Fortunately the pessimistic views of Captains Palliser and Blakiston did not prevail. Thomas D'Arcy McGee, speaking on the subject of a railway in 1861, said there was but one formidable engineering difficulty to be overcome—the elevation of six thousand feet in crossing the Rockies. This was on the authority of ex-Governor Stevens of Washington Territory. The elevation, it was stated, could be reduced by a tunnel to five thousand feet and the gradients to sixty feet to the mile.<sup>42</sup>

The first practical suggestions for some transcontinental communication came in 1862-3, from the Atlantic & Pacific Telegraph & Transit Company, in which Sir E. W. Watkin was a prime mover. Owing to its failure to obtain certain bonuses and concessions the scheme fell through.<sup>43</sup> In 1865 appeared Rawlings' *Con-*

<sup>39</sup> Palliser Further Papers, p. 26.

<sup>40</sup> Id., p. 22.

<sup>41</sup> Rawlings Confederation, p. 187.

<sup>42</sup> *Canadian News*, Oct. 31, 1861.

<sup>43</sup> Watkin's *Canada and the States*, chaps. V and VII.





JUNCTION OF PEACE AND PARSNIP RIVERS

*federation from the Atlantic to the Pacific*, in which a railway was proposed from Halifax to connect with the existing Grand Trunk line and by way of Chicago, St. Paul, Fort Garry, Edmonton, and the Leather or Yellowhead Pass to Dean Inlet or Bute Inlet. Here was a feasible line, selecting the very pass that for many years was the favoured one in the railway surveys of ten years later and which is now (1913) occupied by the Grand Trunk Pacific Railway and the Canadian Northern.

At the same time Mr. Walter Moberly, C. E., the Assistant Surveyor-General of British Columbia, in carrying on his explorations always kept in view the discovery of some practicable line for a railway through the Gold, Selkirk, and Rocky mountains. In 1865 he discovered a pass through the Gold Range to which he gave the name "Eagle Pass" from the following circumstance. Seeing an eagle's nest at the top of a high tree and the old birds seated near-by, Mr. Moberly fired repeatedly at the nest, with the result that the two eagles, after circling around a number of times, flew off up a valley. Two or three weeks later, when his further examination convinced him that that valley offered a good pass, he gave it the name it now bears.<sup>44</sup> During 1865-6, while the Wild Horse and Big Bend excitements were rife and Mr. Moberly's practical work of road and trail building kept him in the vicinity of the Columbia River, he never lost an opportunity of searching for a pass. On one occasion, he was so obsessed with the possibilities of a valley which, from the elevation where he stood, he could see extending to Shuswap Lake with a continuation running westerly to the Columbia, that he blazed a small cedar at its entrance and wrote thereon: "This is the pass for the Overland Railway." It was ultimately selected.<sup>45</sup>

By this time the idea of a transcontinental railway had become quite general. The action in the United States no doubt aided this sentiment. From dread of the Rockies and doubt of a practicable railway line public feeling had swung to the opposite pole. If the obstacles had been exaggerated previously, they were now proportionately minimized. Alfred Waddington, the originator of the Bute Inlet Wagon Road scheme, was one of the foremost advocates of a railway to British Columbia. In his petition to the Imperial

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<sup>44</sup> Rocks and Rivers of B. C., p. 39.

<sup>45</sup> Id., p. 44.



authorities, urging its construction, he very properly placed it upon the basis of national interests and the trade of the Orient. Not succeeding, he came to Canada in 1869, to urge the construction. The Terms of Union with British Columbia gave him a chance to press the route *via* Bute Inlet as the proper location. His plans, the result of his many years' examination of that vicinity, were regarded by the Dominion Government as valuable to their engineers and were accordingly purchased in August, 1871.<sup>46</sup>

This rough sketch of the advance from the theoretical to the practical shows the state of knowledge at the time British Columbia entered the Union. The terms drafted by Governor Musgrave and accepted by the Legislative Council called for the construction of a coach road from the Cariboo road to Fort Garry to be completed within three years, and the leisurely construction of a railroad. The surveys for the railroad were to be undertaken at once and Canada was to use all means in her power to complete the railway at the earliest practicable date. After the completion of the coach road \$1,000,000 a year was to be expended in the actual work of construction in British Columbia.<sup>47</sup>

Such was the proposition the delegates took with them to Ottawa in May, 1870. They brought back the Accepted Terms, wherein the coach road had altogether disappeared and the railway had come much more prominently forward. By Article 11, set out in full in the appendix, the Dominion undertook to commence, within two years and complete within ten years, a railway connecting the seaboard of British Columbia with the existing railway lines of Canada. This was rightly viewed as a commercial as well as a political necessity, yet the boldness of Sir John A. Macdonald and his cabinet in arranging such terms exasperated their enemies and almost staggered their friends.<sup>48</sup>

Before dealing with the political situation which arose out of the railway clause, let us sketch briefly the steps taken to carry out the promise.

The arrival of Mr. Walter Moberly and Mr. R. McLennan, the advance guard of the survey, has been already referred to. The survey parties were designated by the letters of the alphabet. The S and

<sup>46</sup> Beggs, B. C., in Gosnell, B. C., p. 204.

<sup>47</sup> Proposed Terms of Union, Sec. 8 in Message relative to the Terms of Union, 1875, p. 25.

<sup>48</sup> See Cartwright's Reminiscences, p. 93, et seq.

T parties under Mr. Moberly went into the locality he knew so well—the vicinity of the Columbia River and Howse Pass. The Q and R parties, under Mr. McLennan, went further to the northward into the country between the Yellowhead Pass and the Quesnel and Clearwater lakes. The U and V parties, under John Trutch, operated in the vicinity of Kamloops. In March, 1872, Sandford Fleming, the Engineer-in-Chief, appointed Marcus Smith as Chief Resident Assistant Engineer, having general supervision over all the surveys in British Columbia and specially charged with those on Vancouver Island, Bute Inlet, and Fraser Valley.<sup>49</sup> On July 16, 1872, Sandford Fleming, having determined to make a reconnaissance of the territory to be traversed by the railway, set out for the West. Accompanying him was the Rev. Dr. George M. Grant, who has left us in *Ocean to Ocean* a daily record of the journey. Travelling by way of the Yellowhead Pass, and along the Fraser to Tête Jaune Cache, the party crossed to Canoe River, Albreda Lake, and down the North Thompson, following the course taken by a number of the Overland Caribooites in 1862 and by Milton and Cheadle in 1863. This made him a strong supporter of the Yellowhead Pass and led to a certain amount of friction with Mr. Moberly who was always an ardent advocate of the Howse Pass.<sup>50</sup> With the Engineer-in-Chief came Mr. Charles Horetzky as far as Edmonton, where he and Doctor Macoun, the eminent botanist, were detached for the purpose of examining a route by way of Peace River, Fort St. James, the Skeena, and the Nass rivers to Port Simpson, which had been prominently placed before the public by Malcolm McLeod in his *Peace River: A Canoe Voyage from Hudson's Bay to Pacific, by the late Sir George Simpson in 1828*.<sup>51</sup> Horetzky's examination led him to the belief that the railway would take the Peace River, the Pine River Pass, or the Yellowhead, "avoiding much rough country and the hideous Fraser River altogether."<sup>52</sup>

As there gradually grew up in British Columbia a belief that Canada could not or would not fulfil the railway agreement, the following short sketch of the surveys will help to account in part

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<sup>49</sup> C. P. R. Report, 1874, pp. 14, 105.

<sup>50</sup> Moberly's Address on the Early History of C. P. R., pp. 11, 12, 13.

<sup>51</sup> Horetzky, *Canada on the Pacific*, p. 1.

<sup>52</sup> *Id.*, p. 208.

for the delays in commencement of construction by showing the vast amount of exploratory work done and the difficulty of finding a route, satisfactory as to grades, curves, elevation, length, location, and expense.

The short season of 1871 showed that no difficulty would be experienced in carrying a line from Tête Jaune Cache to the North Thompson by a low and wide depression in the mountains, and that it seemed possible to build from the Yellowhead Pass to Kamloops with a grade not exceeding fifty feet to the mile. From Kamloops, *via* Eagle Pass the gradients were so severe that the Yellowhead Pass was provisionally selected, and in the surveys of the next five years no other pass was regarded as suitable. Its altitude is only three thousand, seven hundred and forty-six feet, while on the Union Pacific Railway, at four different points, an elevation twice as great is reached.<sup>53</sup>

The surveys of 1872 failed to disclose a direct route from Yellowhead Pass *via* Cariboo to the coast—the line must either pass northward around the Gold Range, as the Fraser does, or else southward by way of the valleys of Canoe River and the North Thompson. A route through the canyons of the Thompson and Fraser was examined, but the conclusion was reached that its difficulties were so great that its selection could not be justified until all efforts to find a less costly one had proved unavailing. The country between Kamloops and Hope, by way of Nicola Lake and the Coquahalla, was then examined in the hope of finding such a route. By the end of this year three lines had been reported upon; one, by the Yellowhead Pass, and the Thompson and Fraser rivers to Burrard Inlet; another, which, leaving the former at Kamloops, connected with it near Hope; a third, branching from the first at the confluence of the Clearwater and the Thompson rivers and reaching Bute Inlet, with a possible extension to Esquimalt. None of these was satisfactory and the surveys were continued. By an Order-in-Council, April 2, 1872, the Yellowhead Pass was established as that through which the railway should enter the province.<sup>54</sup> And well would it have been for all, if that decision had not been altered.

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<sup>53</sup> Progress Report C. P. R. Survey, April 10, 1872; C. P. R. Report (1877), p. 13.

<sup>54</sup> C. P. R. Report, 1877, pp. 14-16; C. P. R. Report (1874), p. 162.

In 1873, four other routes were discovered. One from Howe Sound across the Cascades to Lillooet, thence by Marble Canyon and the Bonaparte to the confluence of the Clearwater and the Thompson, where it connected with those already mentioned; another, from Bute Inlet, deviating slightly from the line of 1872 to avoid some of its difficulties; a third, from Bute Inlet over the Chilcotin plains to Fort George and following the upper Fraser to Tête Jaune Cache; a fourth, from North Bentinck Arm through the Bella Coola gap in the Cascades to Giscombe Portage and thence by Fort McLeod and the Peace River. This is the route explored and commended by Horetzky. The possibility of extending a railroad from Waddington Harbour on Bute Inlet to Esquimalt was also considered. It was found to require about fifty miles of heavy work along the edge of the rocky bluffs of Bute Inlet and seven bridges, each of one clear span, varying from six hundred and forty feet to one thousand, three hundred and fifty feet in length—bridging “not only formidable, but without precedent.”<sup>55</sup>

During 1874 the alternative route from Bute Inlet was further examined and, as a result, condemned. The proposed route from Kamloops by way of Nicola Lake to Hope also fell by the wayside. Attempts were made to reach Hope from Kamloops by the Similkameen and Tulameen, but with no better result. The Fraser and Thompson canyons were instrumentally surveyed and the line through them was declared to be expensive but feasible. The Fraser from Yellowhead Pass to Fort George was instrumentally surveyed with the intention of connecting with one of the Bute Inlet routes, and the whole territory between Bute Inlet and the Skeena was explored.

In the following year an exploration was made of a route from Fort George through the Smoky River Pass to Edmonton, but the elevation was found to be five thousand, three hundred feet, which was regarded as prohibitive in that latitude. The southern and central portions of British Columbia having been by this time well travelled over, it was determined to limit the year's work to the country north of Bute Inlet and Tête Jaune Cache. A trial location from Bute Inlet following the Nazco Valley to Stuart River was made, and an exploratory survey from Dean Channel up the Sal-

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<sup>55</sup> C. P. R. Report, 1877, p. 20.



mon River, meeting the line to Bute Inlet in the valley of the Blackwater. Parties were also at work exploring in the vicinity of Gardner Inlet and the Pine River Pass.

In 1876 the various harbours suggested as suitable termini were visited and data obtained regarding climatic conditions and their general suitability for such a purpose; for, while the best grade and most favourable land line were being searched for, it was clear that it must be brought out to tide-water at a port which would afford facilities for the enormous commerce of the future. A trial location was made along the route from Dean Channel which had been explored in the preceding year; and an exploratory survey of an alternate line from the same point. The possibility of reaching the sea-board at Gardner Inlet was further investigated; once more the Fraser River route, especially between Yale and Lytton, was re-surveyed. A trial location from Yellowhead Pass along the Fraser to Fort George and across to the Homathco, connecting with the Bute Inlet route, was also made.

This brief outline gives some idea of the vast amount of preliminary work which had been accomplished. The whole territory between  $49^{\circ}$  and  $56^{\circ}$  had been carefully gone over, in some instances more than once; and the Peace River, the Pine River, Smoky River, Yellowhead, Athabasca, and Howse Passes examined. The conclusion reached was that the Yellowhead far surpassed all others and, moreover, gave the best opening to every harbour from Juan de Fuca Strait to Dean Channel.

As an illustration of the work, it may be mentioned that in 1874 there were no less than seven parties, numbering some three hundred men, in the field. The engineers in charge were E. W. Jarvis, H. P. Bell, C. H. Gamsby, H. J. Cambie, John Trutch, C. Horetzky, and Marcus Smith.<sup>56</sup>

During the session of the Canadian Parliament in 1878 Mr. Mackenzie announced that the route down the Thompson and Fraser rivers had been adopted. At this time it was supposed that beyond Kamloops the railway would be carried northeasterly through the Yellowhead.<sup>57</sup>

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<sup>56</sup> C. P. R. Papers, 1875, p. 85.

<sup>57</sup> C. P. R. Report, 1879, p. 17.

Intimately connected with this question of location was the important subject, viewed from the local standpoint, of the terminus. While the terms were before the Legislative Council, in 1870, an effort was made to insert a stipulation that the railway should terminate at Esquimalt. Governor Musgrave gave the quietus to this proposition by the blunt statement that it would jeopardize the whole agreement. Nevertheless, when Sir H. L. Langevin made his report, he dealt at length with the question, although at that time (1871) the surveys had scarcely commenced.<sup>58</sup> The people of the lower mainland clamored for Burrard Inlet; those on the island for Bute Inlet, with a continuation by means of bridges over the intervening channels to Vancouver Island and thence to Esquimalt. Port Essington, Bentinck Arm, and Port Simpson were also mentioned, but they were so far to the northward, so far from any existing settlements, that a railway terminating at any of these places, or, indeed, at any point north of Bute Inlet, would have been of little present utility to the small population which was then altogether on the lower mainland and the lower end of Vancouver Island. Political conditions must, therefore, override geographical and confine the choice to Burrard Inlet or Bute Inlet.

In May, 1872, Mr. De Cosmos enquired in the House of Commons as to the intentions of the Government of Canada in this regard, to which the Hon. Sir H. L. Langevin replied that it was intended to carry the line to Esquimalt, if it were practicable, and that, should Burrard Inlet be ultimately selected, a ferry would be established for that purpose.<sup>59</sup> This was followed in June, 1873, by an Order-in-Council which, after stating "that Esquimalt in Vancouver Island be fixed as the terminus of the Canadian Pacific Railway and that a line of railway be located between the harbour of Esquimalt and Seymour Narrows on the said island," requested, in accordance with the 11th article of the Terms of Union that the Government of British Columbia convey a strip of land twenty miles in width along the eastern coast of Vancouver Island, between Seymour Narrows and the harbour of Esquimalt.<sup>60</sup> No line had been surveyed between these points and the Provincial Government consequently refused the request, but consented to reserve the land from settlement.

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<sup>58</sup> Langevin's Report, pp. 49, 50.

<sup>59</sup> *Toronto Mail*, May 28, 1872.

<sup>60</sup> Order-in-Council, June 7, 1873, in E. & N. Ry. Papers, p. 173.

The two years within which construction was to be commenced were on the verge of expiring, but the surveys had not shown a practicable line. In July, 1873, Mr. Marcus Smith, the Resident Engineer, received orders to commence a location survey at Esquimalt and break ground. For three days a force of men were busy clearing a few hundred yards of line and driving stakes at intervals, but the formality, for it was naught else, went no further. Mr. De Cosmos dubbed it "a disreputable force."<sup>61</sup>

Now began a series of complaints. Within a week after the "farce," the first protest was made. After expressing regret that railway construction had not been commenced, the local Government went on to "protest against the breach by the Dominion Government of a condition of the Terms so highly important to the province."<sup>62</sup> A mere formal acknowledgment of its receipt was the only response. The agitation caused by the "Pacific Scandal" accounts for this apparent neglect. Though that is a subject which belongs to the history of Canada rather than to that of British Columbia, the dates and circumstances are of interest as showing that at the outset, the Government of British Columbia was somewhat unreasonable. The Huntingdon charges were made on April 2, 1873. On May 23rd Parliament was adjourned to August 13th, when it was to meet *pro forma* to receive the report of the Committee and not for its discussion or for any legislation. When this date arrived, Lord Dufferin prorogued the House. Considerable excitement prevailed, and wild rumors were flying. Parliament re-assembled on October 23rd. For several days the wordy battle of the Pacific Railway charges raged. It was one of unparalleled severity. On November 5th the Macdonald Ministry resigned; two days later the personnel of the Mackenzie Government was announced. Then followed the elections.<sup>63</sup>

During such a troublous time what opportunity, it may well be asked, had the Dominion Government to give attention to the many details which immediate construction would necessitate? Yet, on November 22, 1873, British Columbia complained that Parliament had met in October and been prorogued without making provision for

<sup>61</sup> E. & N. Ry. Papers, p. 136.

<sup>62</sup> Order-in-Council, July 25, 1873, in C. P. R. Papers, 1875, p. 56.

<sup>63</sup> Leggo, Administration of Lord Dufferin, chap. V.

railway construction, and requested "a decided expression of its policy with regard to the fulfilment of the 11th article of the Terms of Union." No suitable line, as every one knew, had yet been found in the mainland. But the British Columbia Government, in which the island influence was predominant, saw in this no reason why the railway from Esquimalt to Seymour Narrows could not be located and built as a link, and thus practically force the selection of a line to Bute Inlet with bridges or a ferry. Here we see behind the action of the Government the same small local interest which for years retarded the growth of the country and prevented its unification.

To this protest the Hon. Wm. Mackenzie replied most undiplomatically by referring to his speech at Sarnia on November 25, 1873, in which he had indicated his purpose to negotiate for a modification of the railway terms. Mackenzie was a thoroughly honest man, but to him facts were very stubborn. He only saw the mountains with their steep grades, heavy rock work, and lengthy tunnels. The construction of a continuous railway twenty-five hundred miles in length, commencing at a point on the eastern side where no person lived and terminating at a point on the western side where very few people lived, passing through territory almost uninhabited and but imperfectly known, was to his mind a stupendous—an overwhelming—undertaking. He could not close his eyes to the immense cost, the untold difficulties. The agreement he looked upon as "the insane act of the administration here."<sup>64</sup> He had not the prophetic vision, the firm faith, the strong optimism of Sir John A. Macdonald.

The Graving Dock, which was the other bugbear of early provincial politics, now comes into the railway difficulties. The 12th article of the Terms of Union provided that Canada would aid its construction with a guarantee of interest for ten years at five per cent on the cost, not exceeding £100,000. Arrangements had been made by the De Cosmoss Government whereby this assistance was altered to a grant of £50,000 towards construction. On the opening of the Local Legislature in 1874, the speech had mentioned the fact, but no notice was taken of it by the public until the introduction of an act to ratify the change, called an Act Respecting Articles 2

<sup>64</sup> C. P. R. Papers, 1875, p. 30.



and 12 of the Terms of Union.<sup>65</sup> At once an excitement arose, so sensitive were the people lest any alteration might weaken the binding effect of the sacred Article 11. The fact that a drastic saving clause was contained therein, which provided that the act should not have any force unless a saving clause in the same words were inserted in the corresponding Dominion statute, did not quiet them. On Saturday evening, February 7, 1874, a public meeting of at least eight hundred persons was held in Victoria, which unanimously passed a resolution: "That this meeting deems it unadvisable to enter into any negotiations for capitalizing the Dry Dock guarantee or to borrow any money from the Dominion Government until the scheme of the Mackenzie Ministry for the relaxation of the Terms of Union shall be made known. And, further, that it is distinctly opposed to the Provincial Government interfering in any manner with the Terms or agreeing to any new Terms offered by the Mackenzie Government until the same shall have been submitted to the people for adoption."<sup>66</sup> The populace, inflamed by the speeches, resolved to attend the session of the Legislature in a body to show their earnestness. The whole excited crowd swarmed into the Legislative Hall. They filled the galleries, hooting, yelling, shouting, and cursing. All semblance of order disappeared. The Speaker, Doctor Trimble, being unable to quell the tumult, left the chair.<sup>67</sup> The "rebellion," as this incident was called, is recorded in these colourless words in the Journals of the House: "Disorder having arisen in the House, and being continued, Mr. Speaker left the chair shortly after 10 o'clock." On the following Monday, Mr. McCreight presented the resolution in the form of a petition, accompanied by several others to the same effect.

The Legislature now ordered the third protest, pointing out that the delay in commencing construction was causing serious loss to the province and emphasizing "the absolute necessity of commencing the actual construction of the railway from the seaboard of British Columbia early in the present year." In this connection, to quiet the public mind, a resolution was passed: "That in view of the importance of the Railway Clause of the Terms of Union between Canada and British Columbia being faithfully carried out by Can-

<sup>65</sup> 1874, Statutes B. C., No. 1.

<sup>66</sup> 1873-4, Sessional Papers, app., p. 83.

<sup>67</sup> Gosnell, B. C., p. 128; *British Colonist*, Feb. 9, 1874.

ada, this House is of opinion that no alteration in the said clause should be permitted by the Government of this province until the same shall have been submitted to the people for their endorsement."<sup>68</sup>

In British Columbia, the interest in the railway question was intense and personal. The entire white population was under ten thousand. Every one, with the possible exception of the miners, would derive immediate personal advantage from the expenditure which railway construction would involve. The trader, the manufacturer, and the farmer would feel the stimulus instantly, in the market for their goods and produce—a market which the stagnation arising from the decrease of gold mining rendered the more important. Those of leisure and means would be enriched by the increased value of their property. On Vancouver Island the people called loudly for construction to be commenced between Esquimalt and Seymour Narrows, or at any rate as far as Nanaimo, arguing that the latter portion would surely be required whether Bute Inlet or Burrard Inlet were ultimately selected as the terminus. The agriculturists and stock raisers of the interior, cut off from the markets of the coast by the great distance and the stupendous mountain ranges, anxiously looked for the railroad as a market during construction, and a means of reaching the coast markets thereafter.<sup>69</sup> Thus every one literally hungered for the early, vigorous, and continued construction of the railway. People with such an interest naturally found the necessary delays occasioned by proper explorations and surveys most irksome; and it is not surprising that they became greatly perturbed when they found Mr. Mackenzie describing the railway agreement as an "insane act," "a piece of madness," "a piece of deliberate treachery to the country." In these expressions they saw a desire to evade construction and delay that for which they yearned—the creation of a market. British Columbia never stood on the literal bond; all she ever asked was some tangible evidence of a hearty desire to keep faith with her.

In February, 1874, Mr. Mackenzie sent Mr. J. D. Edgar to the province "to confer with \* \* \* the Government of Columbia on the questions lately agitating the public mind in Columbia and (he) will be glad to receive your views regarding the policy of the

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<sup>68</sup> Journals, Feb. 9, 1874.

<sup>69</sup> Edgar's Report, C. P. R. Papers, 1875, pp. 31, 32.

Government on the construction of the railway." In introducing him to the Hon. Mr. Walkem, Mr. Mackenzie further said: "It is in your interest, and in the interest of the Dominion, that we should both act with a reasonable appreciation of difficulties which are unavoidable, and devise means to remove them or overcome them," but nowhere did he state that Mr. Edgar was empowered to make a proposition for the alteration of Article 11. With British Columbia protesting against delays and praying for immediate construction to be commenced, the path of any negotiator for alterations must necessarily be a thorny one; with a Government, hostile and tied hand and foot by the resolution of February 9th, success was well nigh impossible; but when to these difficulties were added the vague and misty terms in which Mr. Edgar's powers were set forth, the effort was plainly foredoomed to failure.

Mr. Edgar came; he met the Government; he discussed the question; he made no headway. Mr. Walkem and his colleagues seemed more interested in the arrangement of the Graving Dock subsidy and in ascertaining whether the Dominion Government would insert in their act the saving clause set forth in the local act. Finally, after spending two months to no purpose so far as getting any inkling of the Government's views on changes in the railway terms was concerned, Mr. Edgar, on instructions from Mr. Mackenzie, placed his proposition in writing.

He began with the statement that for a variety of reasons, the original scheme had proved impracticable and it was the aim of Canada to devise a more feasible plan. The time limit for completion was, he said, the great difficulty. A reasonable concession on this point was asked. He suggested that the province should be satisfied with Canada's undertaking to complete the railway by all means in her power and at the earliest possible date. The engineering difficulties had proved enormous and some delay must yet occur before the proper location could be determined. In order to make some amends for these alterations, Canada would agree:

1. To commence immediately, prosecute vigorously, and finish as soon as possible a railway from Esquimalt to Nanaimo.
2. To spare no expense in selecting the permanent location of the railway on the mainland.

3. To construct immediately a road and a telegraph line along the whole length of the railway in the province and to continue the telegraph across the continent.

4. The moment the surveys and the road on the mainland were completed to spend the annual minimum amount of \$1,500,000 on railway construction in the province.<sup>70</sup>

Mr. Edgar concluded by requesting that the proposals be placed before the Local Administration. Now occurred a strange *volte face* on the part of Mr. Walkem. Though he had, for two months, been discussing railway and Graving Dock matters with Mr. Edgar as the representative of the Central Government, and though the lengthy letter containing this offer had been read over to him in draft, yet, on its receipt, he suddenly took high ground and required to be informed that Mr. Edgar had been "specially accredited to act in this matter as the agent of the General Government and that they will consider your acts and negotiations in the matter binding upon them."<sup>71</sup> Then followed a couple of angry-toned, indignant letters. Mr. Edgar replied that he had in the offer stated that it was made by him by the instructions and on behalf of the Canadian Ministry, but that Mr. Walkem had, "however, done me the honour of assuming that my statement was incorrect, and that I am acting without authority or instructions. I can afford to pass over without notice the personal insinuations, but I must most strongly protest against such extraordinary treatment of a document which emanates from the Government of Canada, upon a subject of such deep and pressing moment to British Columbia." Mr. Walkem, in answer, expressed surprise and regret that Mr. Edgar had taken umbrage at his request; he then referred to Mr. Mackenzie's letter stating Mr. Edgar's mission to be the ascertainment of the Provincial Government's views on railway matters, and proceeded: "When, however, you proceed further and propose changes to this Government of the gravest importance to the province, I must be pardoned for considering it my duty in my public capacity to ask for your official authority for appearing in the role of an agent for the Dominion of Canada."<sup>72</sup>

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<sup>70</sup> C. P. R. Papers, 1875, p. 36.

<sup>71</sup> Id., p. 38.

<sup>72</sup> Id., p. 38.



Mr. Edgar left British Columbia immediately upon receipt of this letter. Mr. Leggo, in dealing with this incident, says: "The negotiations between Mr. Edgar and Mr. Walkem are not very creditable to the frankness of the Dominion Ministry or to the temper of the Columbian Attorney-General—for on the one hand the Dominion Agent had really no power to bind his employers and his mission partook therefore of a kind of 'fishing excursion' offensive to the Provincial Government—while on the other the abrupt conduct of Mr. Walkem was hardly compatible with the dignity of the representative of such an authority."<sup>73</sup> This view is only superficial. It does not take into consideration the local conditions. Mr. Mackenzie was much nearer the kernel of the situation when he stated that "there is also reason to believe that local political exigencies alone induced the Government of British Columbia not to entertain these proposals." It must be remembered that Mr. Walkem was holding office without having been before the people; that if his Government acted in reference to Mr. Edgar's proposition, they were bound to obtain the consent of the people under the resolution of February 9th; that it was uncertain how these changes would be viewed; that inasmuch as the island would get the immediate construction of a railway, while the mainland was promised a wagon road in the near future and a railway in the dim and distant future, it was questionable whether Cariboo, which always furnished support to the island, would do so in the face of such an arrangement. The loophole in Mr. Mackenzie's letter of authority to Mr. Edgar afforded him the opportunity to avoid both Scylla and Charybdis.

Mr. Walkem nevertheless telegraphed to Mr. Mackenzie enquiring whether Mr. Edgar's offer was binding on Canada. The latter replied that Mr. Edgar was recalled and the offer withdrawn, and regretted that the Provincial Government had not replied to, or even considered the proposals. It seems clear that both parties were satisfied with this *dénouement*—Mr. Mackenzie because the cavalier manner in which his emissary and his proposition had been treated would strengthen his case in subsequent negotiations,—and Mr. Walkem because he had side-stepped an awkward situation, for had he accepted or rejected the proposals he would have imperilled his

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<sup>73</sup> Leggo, Administration of Dufferin, p. 371.

Government, which, though strong in the House, was not nearly so strong in the country.

What was the British Columbia Government to do now? It was clear that Mr. Mackenzie was content with the present condition of affairs in which Mr. Walkem's conduct had the appearance of petulance. British Columbia now determined to lay the whole trouble before the Queen as one of the parties to the agreement embodied in the Terms of Union.

For this purpose a lengthy memorial dated June 15, 1874, was prepared. It set forth in great detail the history of the difficulty. Stress was laid upon the statement that the union had been brought about in obedience to Her Majesty's commands. It was pointed out that the Terms framed by Governor Musgrave had not been submitted to the people, but that the Accepted Terms had been. The statement was made that the principal motive inducing their acceptance was the promise of immediate construction of a railway in accordance with Article 11. The selection of Esquimalt as the terminus was mentioned and the reservation at the request of the Dominion of a strip of valuable land twenty miles in width, containing about thirty-two hundred square miles; it was further shown that all lands in the province had been withdrawn from sale as required by that article. The various protests made and the scant courtesy they had received were then detailed. The history of Mr. Edgar's mission followed; his proposals were set out; and complaint was made that they had been withdrawn before they were known to be authoritative. The exploratory surveys were mentioned, and it was suggested that they were not being energetically prosecuted. It was then submitted that the province had fulfilled her part of the agreement, but that the Dominion had not attempted to live up to her part of the bargain, and since 1872 had not made any adequate effort to complete the surveys; that though the terminus had been selected and a large and valuable area of land on the island withdrawn from settlement, construction even on this portion had not only not been commenced, but the Dominion had virtually refused to commence, unless the province agreed to a material change in Article 11. The concluding paragraph summed up the situation in burning words: "That in consequence of the course pursued by the Dominion, British Columbia is suffering great

loss; her trade has been damaged and unsettled; her general prosperity has been seriously affected; her people have become discontented; a feeling of depression has taken the place of the confident anticipations of commercial and political advantages to be derived from the speedy construction of a great railway, uniting the Atlantic and Pacific shores of Your Majesty's Dominions on the Continent of North America."<sup>74</sup>

Mr. Walkem immediately prepared to proceed to London to present the petition and support it with such explanations as might be necessary. The Colonial Office notified of this intention, apparently became alarmed at British Columbia's aggressive attitude and Lord Carnarvon immediately communicated with Lord Dufferin, the Governor-General, in reference to this phase of the dispute.<sup>75</sup>

The Earl of Carnarvon had been intimately connected with the affairs of British Columbia and of Canada. He had been Parliamentary Under-Secretary at the Colonial Office under Sir E. B. Lytton when the mainland colony of British Columbia was formed in 1858. While Secretary of State for the Colonies in the Derby administration, he had introduced the British North America Act, 1867, which formed the original Dominion of Canada. On the return of Conservatives to power in 1874, he again took the Colonial Office under Disraeli. One who knew him well describes him as being very cultivated and refined, self-sufficient and independent, with a scrupulous honesty enfolded in a highly strung nervous physical organization.<sup>76</sup>

In his anxiety to arrange the difficulty, Lord Carnarvon intimated his regret that it had arisen, and after remarking that "it is not my wish, nor is it any part of my ordinary duty, to interfere in these questions," proceeded to state that "in the present case it may possibly be acceptable to both parties that I should tender my good offices in determining the new points which have presented themselves for settlement. I accordingly addressed a telegram to you yesterday to the effect that I greatly regretted that a difference should exist between the Dominion and the province in regard to the railway, and that if both Governments should unite in desiring to refer to my arbitration, all matters in controversy, binding them-

<sup>74</sup> C. P. R. Papers, 1875, pp. 39-44.

<sup>75</sup> Buckingham and Ross, *Life of Hon. A. Mackenzie*, p. 361.

<sup>76</sup> G. M. Sproat, in *The Week*, Feb. 10, 1912.

selves to accept such decision as I may think fair and just, I would not decline to undertake this service.”<sup>77</sup> The province accepted this offer categorically. It does not seem to have occurred to the Government that by so doing they were possibly running counter to the resolution of the House that no alteration of the Terms should be permitted without the consent of the people.<sup>78</sup> The Dominion Government looked askance at the proposition, and did not apparently, relish the interference of Downing Street in a matter of internal concern.<sup>79</sup>

The Dominion replied to the Provincial Memorial by pointing out that so strong was the objection to the railway agreement that Sir John A. Macdonald's Government, which had usually a majority of from fifty to seventy, had carried it by but ten votes, and that even this small majority was only obtained by the promise of a resolution, subsequently passed, that the railway should be constructed and worked by private enterprise, and that the public aid should consist of a land grant and a money subsidy not increasing the present rate of taxation. Sir John A. Macdonald, who was absent at Washington, always claimed that had he been present he could have obtained assent to the Terms of Union without making this concession. After referring to Article 11 as “incapable of fulfilment,” and remarking that British Columbia had never asked “such extravagant terms,” the original Terms proposed by the province were set out. In support of their contention that the Terms were directory rather than mandatory, the Dominion quoted the words of Mr. (afterwards Sir) Joseph W. Trutch, one of the delegates who arranged the Terms, and then (1874) Lieutenant-Governor of the province: “When he came to Ottawa with his co-delegates \* \* \*, they entered into a computation with the Privy Council as to the cost and time it would take to build the line, and they came to the conclusion that it could be built on the terms proposed in ten years. If they had said twelve or eighteen years that time would have been accepted with equal readiness, as all that was understood was, that the line should be built as soon as possible. British Columbia had entered into a partnership with Canada and they were invited to construct certain public works, but he for one would protest against

<sup>77</sup> June 18, 1874, C. P. R. Papers, p. 23.

<sup>78</sup> Feb. 9, 1874, ante, pp. 356-357.

<sup>79</sup> Life of Hon. A. Mackenzie, p. 361.



anything by which it was understood that the Government were to borrow \$100,000,000 or to tax the people of Canada and British Columbia to carry out these works within a certain time." Mr. Mackenzie then sketched the efforts to locate the line and to obtain its construction, showing that both had been unsuccessful, and argued therefrom that further time must be given. In this connection he set out the proposition made by Mr. Edgar, which, he said, local political conditions alone had prevented from being considered and some arrangement concluded. No Government, he urged, could live that would attempt, or rather pretend to attempt, the literal fulfilment of the Terms. Public opinion in Canada would not go beyond Mr. Edgar's proposals, which, he claimed, were acceptable to a fair proportion of the people of the province. He concluded by a reference to the liberal treatment accorded to British Columbia in the matter of the Graving Dock, as indicating the spirit in which Canada was prepared to deal with British Columbia.<sup>80</sup>

In July, the Dominion Government supplemented this minute by another lengthy argument, claiming that the delay was due entirely to the rugged country to be traversed, through which no suitable line had yet been found, though no effort had been spared to accomplish this end. The only violation of the Terms was in the failure to commence construction within the two years, and it would have been the height of folly to commence a railway without knowing the line along which it should be continued. The lesson taught by the construction of the Intercolonial Railway without sufficient surveys was in point. It was submitted that the only questions which could arise were: "(1) Whether due diligence and expedition have been exercised by the Dominion Government in the prosecution of the work; and (2) whether the offers of compensation for the alleged non-fulfilment were just and fair." In conclusion, after stating the Canadian Government's strong conviction that everything had been done that could be done, and that its proposals had been fair and just, the minute requested "that Lord Carnarvon be informed that they would gladly submit the question to him for his decision as to whether the exertions of the Government, the diligence shown, and the offers made have or have not been fair and just and in accordance with the spirit of the agreement."<sup>81</sup>

<sup>80</sup> C. P. R. Papers, 1875, pp. 27-9, July 8, 1874.

<sup>81</sup> C. P. R. Papers, 1875, p. 73, July 23, 1874.

While these documents were being prepared and submitted, Mr. Walkem reached England. He presented the memorial early in August, 1874, and supported it later with oral explanations and amplifications. Thoroughly in earnest, and filled with the feeling that British Columbia was being unfairly treated, Mr. Walkem, nevertheless, succeeded in presenting his views so clearly, so temperately, and so fully as to evoke the thanks of the Colonial Minister.

When the whole matter was gone into, it appeared that while Mr. Walkem could clearly demonstrate that the Dominion had fallen short of its promises, yet, being held down by the resolution of the Legislature, he could not state what terms would be acceptable to British Columbia.<sup>82</sup> The Earl of Carnarvon therefore took the Edgar Terms, which Mr. Walkem's Government would not look at in Victoria, and succeeded in getting Mr. Walkem to point out his objections thereto. Having obtained this information, and knowing that the Dominion would abide by those Terms, the Earl set himself to the task of modifying them, adding and altering here and there, so as to make some compromise which might satisfy both parties. Having succeeded to his own satisfaction, he intimated his views to Lord Dufferin.<sup>83</sup> The Dominion Government replied, on September 17, 1874, taking objection to the clauses which asked them to increase greatly the survey parties and to complete the road by the end of 1890. They urged that the surveys were already employing every man whose services could be utilized and that any increase in this branch would be a useless expenditure and would impede, rather than accelerate, progress; a definite date for completion was strenuously opposed as being "another precise engagement," but, if it were absolutely necessary in order to settle the trouble, Canada would agree to construct the portion west of Lake Superior by that time. Running through the whole of this Order-in-Council is the tone of instructions to an agent rather than that of an argument before an arbitrator.<sup>84</sup>

On October 31, 1874, Mr. Walkem closed the discussion in a lengthy letter. He took up the Edgar Terms one by one and complained that they were insufficient, too vague, or utterly useless. He argued that a feasible line having been found by way of Bute Inlet, as stated

<sup>82</sup> C. P. R. Papers, 1875, p. 75.

<sup>83</sup> *Id.*, p. 75.

<sup>84</sup> *Id.*, pp. 80-2; Message relative to the Terms of Union, 1875, pp. 35-40.

in the report of 1874, the work of building should be commenced. He hinted that at the farthest the time for completion should not be extended beyond 1885. The peculiar situation of the province—her remoteness—her weak political position—her dependence on the good faith of the Dominion—the hopes that had been held out and deferred—the grievous loss that had ensued—the consequent utter prostration of her interests—all these gave her claims upon Canada which Mr. Mackenzie had, to a certain extent, acknowledged. These claims he hoped would not be overlooked in considering what recompense British Columbia should receive. "The province," he added, "has not expected anything that is unreasonable, and does not do so now. It is her urgent desire that matters should be forthwith placed on a fair business-like footing, and, above all, on a footing of certainty, with proper safeguards to ensure that certainty, so that a good and cordial understanding may be restored and not again be disturbed."<sup>85</sup>

With the final words from both disputants before him, the Earl of Carnarvon drew up a Despatch dated November 17, 1874. After complimenting them upon the temperate and forbearing manner in which points involving most important consequences had been argued on both sides, and suggesting that this happy circumstance might be due to his tender of his good offices to adjust the difficulty, he indicated that his decision must, as both parties were aware, be in the nature of a compromise and as such might fall short of giving complete satisfaction to either. He then pointed out that while the Dominion had reluctantly consented to concessions suggested by him, which exceeded the Edgar Terms, yet even with these added concessions the province was receiving considerably less than had been promised to her as a condition of entering the union. The terms which he then proceeded to lay down are commonly known as the "Carnarvon Terms," though as Lord Dufferin pointed out in his speech in Victoria on September 20, 1876: "The main body of the Terms are Mr. Mackenzie's, that is to say, Mr. Mackenzie proffered the Nanaimo and Esquimalt Railway, the telegraph line, the wagon road, and the annual expenditure. All that Lord Carnarvon did was to suggest that the proposed expenditure should be \$2,000,000

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<sup>85</sup> C. P. R. Papers, 1875, p. 92; Message relative to Terms of Union, 1875, p. 50.

instead of \$1,500,000, and that a time limit should be added.”<sup>86</sup> For ten years after their promulgation, these Terms—the “Carnarvon Terms”—entered into every railroad discussion; they added another brand to the fire of local jealousy—Mainland vs. Island;—and they formed a great part of the basis of the Island Railway dispute. Under these circumstances it seems well to insert them in full.

#### THE CARNARVON TERMS

These terms were as follows:

1. That the railway from Esquimalt to Nanaimo shall be commenced as soon as possible, and completed with all practicable despatch.
2. That the surveys on the mainland shall be pushed on with the utmost vigour. On this point, after considering the representations of your Ministers, I feel that I have no alternative but to rely, as I do most fully and readily, upon their assurances that no legitimate effort or expense will be spared, first, to determine the best route for the line, and, secondly, to proceed with the details of the engineering work. It would be distasteful to me, if indeed it were not impossible, to prescribe strictly any minimum of time or expenditure with regard to work of so uncertain a nature; but, happily, it is equally impossible for me to doubt that your Government will loyally do its best in every way to accelerate the completion of a duty left freely to its sense of honour and justice.
3. That the wagon road and telegraph line shall be immediately constructed. There seems here to be some difference of opinion as to the special value to the province of the undertaking to complete these two works; but after considering what has been said, I am of opinion that they should both be proceeded with at once, as, indeed, is suggested by your Ministers.
4. That \$2,000,000 a year, and not \$1,500,000, shall be the minimum expenditure on railway works within the province from the date at which the surveys are sufficiently completed to enable that amount to be expended on construction. In naming this amount I understand that, it being alike the interest and the wish of the Dominion Government to urge on with all speed the completion of the

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<sup>86</sup> Leggo's Administration of Lord Dufferin, p. 463.



works now to be undertaken, the annual expenditure will be as much in excess of the minimum of \$2,000,000 as in any year may be found practicable.

5. Lastly, that on or before December 31, 1890, the railway shall be completed and open for traffic from the Pacific seaboard to a point at the western end of Lake Superior, at which it will fall into connection with existing lines of railway through a portion of the United States, and also with the navigation on Canadian waters. To proceed at present with the remainder of the railway, extending, by the country northward of Lake Superior to the existing Canadian lines, ought not, in my opinion, to be required, and the time for undertaking that work must be determined by the development of settlement and the changing circumstances of the country. The day is, however, I hope, not very far distant when a continuous line of railway through Canadian territory will be practicable, and I therefore look upon this portion of the scheme as postponed rather than abandoned.

The Dominion Government expressed their satisfaction with the result in a minute stating that these suggestions upheld their policy in the main and subject only to mere modifications in details. The Provincial Government accepted it much as an unsuccessful litigant does an adverse decision.

## CHAPTER XXI

### RAILWAY MATTERS FROM THE CARNARVON TERMS TO LORD DUFFERIN'S VISIT

The Provincial Government now found itself in a dilemma. The appeal to London had resulted not in a money award for breach (which would have been most acceptable), but in an alteration in the Terms. Lord Carnarvon had given a copy of the Despatch containing the Terms to Mr. Walkem before he left London; yet inasmuch as this document had not come through the ordinary channel, he chose to regard it as a private communication and, on the opening of the Legislature on March 1, 1875, he caused the Lieutenant-Governor to say that Lord Carnarvon had made certain recommendations relative to the construction of the railway, which had been accepted by the Dominion Government, but that the documents containing these recommendations had not been received.<sup>87</sup> It was desired to conceal the arrangement until after the elections, or at any rate till after the end of the session. The opposition pressed for information but only received the stereotyped answer, that the Despatch had not arrived. At this time, the Dominion Parliament was sitting, and all the correspondence was brought down by it. Thus the whole truth came out and afforded an opportunity for fresh attacks upon Mr. Walkem's Government for having allowed the Terms to be changed, or at any rate having set in motion an arbitration whereby this result had been obtained, without the consent of the people and then endeavoring to conceal the fact.

The life of the Legislature was expiring. Signs of storm showed unmistakably. The Government set itself to the task of attending to the voters' lists. An act was passed declaring that Chinese and Indians should not vote and requiring every Collector of Votes to strike the name of every Chinaman from his voters' list. This is

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<sup>87</sup> Journals, 1875, p. 2.  
Vol. II—24

the first definite statement against Chinese voting. Inasmuch as it was common knowledge that the Hon. T. B. Humphreys, one of Mr. Walkem's most energetic opponents, had had the support of the Chinese voters, it was thought that a two-fold object had been reached by this act.<sup>88</sup> Another act—an absolutely unjustifiable one—was passed providing for the qualification and registration of voters. It established different qualifications for voters in the several portions of the province. Thus in gold mining towns and camps (Mr. Walkem was one of the representatives from Cariboo), a person who had held for three months a miner's license, costing \$5, could vote; in New Westminster and Victoria cities an applicant to vote must have resided in the province for twelve months and in the district for six months, and hold, at the least, a trade (not a miner's) license; in all other parts of the province the applicant must have had, for six months, a trade license, at least.<sup>89</sup> It is difficult to understand how such an act could be supported or justified. It was on its face most improper legislation as being unequal and discriminating. It furnished a handle to the charge that the Government were endeavoring to retain office by disfranchising some and enfranchising other constituencies.

On March 19, 1875, Mr. Mackenzie introduced into the Canadian Parliament a bill entitled "An act to provide for the construction of a line of railway from Esquimalt to Nanaimo in British Columbia." This was necessary because of his view, which was later accepted by Sir John A. Macdonald and was undoubtedly correct, that as the Terms of Union only required Canada to build a railroad to the seaboard, any portion on Vancouver Island was a mere local work—the agreement to build which must obtain the consent of Parliament. The bill passed the House of Commons on a division, ninety-one to sixty-four, but in that minority were Mr. Edward Blake and several leading liberals.<sup>90</sup> So far no fault could be found with Mr. Mackenzie's conduct; he had taken, at the earliest opportunity, active steps towards carrying out the Carnarvon Terms. But in the Senate the bill was defeated on April 6th, by a majority of two, and this majority included two senators who had very recently been appointed by Mr. Mackenzie. The feeling

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<sup>88</sup> 1875, Statutes, No. 2.

<sup>89</sup> 1875, Statutes, No. 1.

<sup>90</sup> Leggo, Administration of Dufferin, p. 375.

against Mr. Mackenzie's Government had always been strong in British Columbia. In opposition he had opposed the railway scheme; now, having come into power, he must carry it out. As originally conceived, he felt it impossible of performance, the difficulties affrighted him, and his utterances in Parliament and elsewhere had a certain coolness and carefulness very distasteful to the province. Hence, when the adverse vote in the Senate occurred, Mr. Mackenzie was charged with treachery. After Lord Dufferin's luminous remarks, friend and foe alike realized that this charge was groundless.<sup>91</sup> Mr. Mackenzie had accepted the Carnarvon Terms and would have lived up to them in a manner satisfactory to British Columbia. The explanation of the Senate's action appears to be that "between the time of the vote in the Lower House and its discussion in the Senate (the Upper House) the speeches of two of the British Columbian Ministers in the Provincial Legislature arrived at the capital of the Dominion and showed that the Provincial Government, in accepting the 'Carnarvon Terms,' did not relinquish the old or impossible agreement. The Senate, therefore, threw out the bill, and as it was generally admitted that an isolated island railway having no connection with the mainland was an absurdity, it was not again introduced."<sup>92</sup> The mainland view is shown by the following telegram from James Cunningham, M. P. for New Westminster, dated April 6, 1875: "Esquimalt railway killed by Senate. Fraser route must be taken."

The result was that the rights of British Columbia were disregarded; her wrongs remained unadjusted. The original terms were looked upon by all as impossible of literal performance; but British Columbia had never asked that; any reasonable effort to commence and carry on the work would have satisfied her. When the Carnarvon Terms were announced (though the two sections of the province regarded them from different viewpoints) their fulfilment would have been accepted as satisfactory. But these terms had become a dead letter because of Mr. Mackenzie's inability to control the Senate. Thus at the end of four years the province found herself as far removed from actual union as on that July day when the first Canadian ensign flew from Cary Castle.

<sup>91</sup> Leggo, *Administration of Dufferin*, p. 375.

<sup>92</sup> St. John, *Sea of Mountains*, pp. 5, 6.



From the time the Senate defeated the bill, British Columbia's tone became one of outspoken hostility, for actual railway construction so earnestly desired was now set far into the future. In September, 1875, the Mackenzie Government issued an Order-in-Council setting out that the railway from Esquimalt to Nanaimo, being in reality a mere local work, had been intended as compensation for unavoidable delay in constructing the transcontinental railway, and that since the rejection of the bill by the Senate the province had not offered any suggestion of a suitable recompense, and offering \$750,000 as a liberal sum to allow to the province for these delays.<sup>93</sup> This amount was "unhesitatingly, but respectfully declined." In their minute in reply the Local Government remarked that the history of the railway agreement was a recital of unnecessary delays and of consequent disappointments of a most discouraging and damaging character. Direct pecuniary loss to a large proportion of her people, and an utter prostration of most important interests, had been the result of the non-fulfilment of promises made with every semblance of deliberation and good faith. "Distrust has unfortunately been created where trust and confidence should have been inspired. It would be mischievous to conceal this state of affairs."<sup>94</sup>

The depression in British Columbia was keen indeed—made, or at any rate appearing, more so by contrast with the rosy picture of immediate railway construction. Had it not been for the large amount of public work carried on by the Local Government during 1875, a condition of bankruptcy and financial stringency beyond that existing in 1866-8 would have prevailed.

The elections took place in the fall of 1875. While extravagance and incompetence were charged—they are always the stock cry of an opposition—the great charge against Mr. Walkem was that he had bound the province to a change of terms without the approval of the people, and that in this arrangement the island would obtain a railway and the mainland, nothing; for although the Earl of Carnarvon had required a wagon road to be built on the mainland, Mr. Walkem had, in the correspondence, clearly shown that he did not want it. Consequently, while the whole country suffered from the breach of the Terms, the island was to receive the whole compensation.

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<sup>93</sup> Order-in-Council, Sept. 20, 1875; Sessional Papers, 1876, Railway Question, p. 565.

<sup>94</sup> *Id.*, p. 572.

The personnel of the Second Legislature—the result of the first election by ballot—was: Cariboo, Geo. A. Walkem, A. E. B. Davie, John Evans; Kootenay, A. W. Vowell, Charles Gallagher; Comox, John Ash, M. D.; Cowichan, Wm. Smithe, Edwin Pimbury; Esquimalt, Wm. Fisher, Frederick Williams; Lillooet, W. M. Brown, Wm. Morrison; New Westminster City, Robt. Dickenson; New Westminster District, Ebenezer Brown, W. J. Armstrong; Yale, J. A. Mara, F. G. Vernon, Robt. Smith; Nanaimo, John Bryden, who, resigning in December, 1876, was succeeded by D. W. Gordon; Victoria City, Robt. Beaven, James Trimble, M. D., A. C. Elliott, J. W. Douglas; Victoria District, Hon. T. B. Humphreys, W. F. Tolmie, M. D.

On its face, this looked like the return of the Walkem Government by a majority of two.

The first session of the Second Legislature opened on January 10, 1876, with Mr. Walkem still in the saddle. The unsatisfactory state of railway matters was set first in the speech and was, naturally, in the very front of the proceedings. A lengthy address to Her Majesty was unanimously passed. It recited the events since 1874 from the provincial viewpoint. Complaint was made that not one of the terms had been respected by the Dominion—railway construction had not been commenced on mainland or island, nor had the wagon road or telegraph line been commenced nor any preliminary step in that direction been taken. That the stand of the Dominion to make the annual expenditure of \$2,000,000 and the completion by 1890, as mentioned in Lord Carnarvon's award, dependent upon the ability to do so without increasing taxation, was unfair, as the people of British Columbia had not consented to any such term, and in any event the subsequent increase of taxation by the Dominion in 1874 and the undertaking of the work by Canada showed that the terms of that resolution had been abandoned. That no compensation had been offered for the proposed abandonment of the island section of the railway or for the broken promises to build the wagon road and telegraph line, or for any of the past disastrous and ruinous delays on island and mainland. That \$750,000 had been offered as a bonus if the agreements for minimum yearly expenditure and for completion by 1890 were waived by the province, but that this offer had been very properly rejected. That the railway had been re-

garded as a political and commercial necessity and that the province wished to secure the practical union which its construction would mean and the anticipated advantages. Her Majesty was then prayed to move the Dominion Government to carry out the Carnarvon Terms.

To this address the Dominion answered that the Senate had killed the Esquimalt and Nanaimo Railway Bill; that construction could not be commenced on the mainland till the surveys were far enough advanced to enable the line to be located, and that the wagon road and telegraph line were not wanted by Mr. Walkem, as his correspondence with Lord Carnarvon showed, and in any event they were also dependent on the location of the railway line. A great deal of this minute was occupied with the Esquimalt & Nanaimo Railway, Mr. Mackenzie elaborating the position that this was no part of the original Terms and was only offered as a compensation for delays. In this connection he found fault with the interpretation of his offer of \$750,000; this was, he said, merely a substitute for the Esquimalt and Nanaimo Railway and had no reference to compensation for any delay as regarded the other terms. He re-stated the position that the construction of the railway was controlled by the resolution of the Canadian Parliament of April 11, 1871. He urged that this was the basis on which the passage of the Terms was obtained, as the delegates from British Columbia well knew. Such an argument was extremely weak, but when the answer went on to show that apart from the railway British Columbia had made a good bargain, having received already \$1,200,000 more from Canada than she had contributed, it reached a realm not relevant to the matter in hand. What had this to do with the question? Not satisfied with these extraneous matters, the Mackenzie Government went out of their way to allege that the people of British Columbia were agitating less to secure the completion of a national undertaking in a manner conducive to the interests of the whole Dominion than to obtain the immediate and continued expenditure within their own province at whatever cost to Canada of many millions of money for which they could not pretend to have given an equivalent. The answer then went on to say that the chief grievance of British Columbians was that they had not as yet derived, in addition to other financial benefits of union, the gains and profits to be expected from the expenditure of these millions in their midst. This was a gratuitous

insult, for British Columbia only asked for work to be commenced, and this three years after it had been promised. But not content, Mr. Mackenzie went on to say that the spirit of British Columbia in pressing so urgently for an enormous expenditure with a view to reap vast profits for its small population; would rouse a hostile feeling in Canada against redeeming even as far as possible the "appalling obligation" of the Terms of Union.

The reply of British Columbia on June 3, 1876, set out that the answer of Canada did not dispute or deny the facts, but sought to account for them and that the province would willingly leave the argument as it stood. But the province denied that by its delegates or otherwise any consent had been given that the railway agreement should be subject to the limitations of the resolution of April 11, 1871, and in strong language also repelled Mr. Mackenzie's charge that, from sordid and selfish craving of gains and profits to be expected from the expenditure of millions in their midst on railway construction, the province had ever sought to exact the literal fulfilment of the agreement regardless of the general welfare. In support, the cordial acceptance of the Carnarvon Terms was cited. Replying to the argument that the Esquimalt & Nanaimo Railway must be a compensation, as it was no part of the original terms, the Provincial Premier stood upon the Order-in-Council of June 7, 1873, which had fixed Esquimalt as the terminus, and reminded the Earl of Carnarvon of the Dominion's request for land along that line, which, it was argued, could only be required upon the assumption that it was part of the original line. The financial result of confederation, outside of railway matters, was not, he properly contended, germane to the issue, and in any event was controverted. The concluding language of the answer of the Dominion, said the province, gave too good ground for fear that it was the settled policy not to press the construction of the railway beyond the convenience of the Central Government after providing for all other public works of apparently more direct and local interest to the majority in Eastern Canada, and to regard the date for completion, whether under the original terms or under the Carnarvon Terms as subject to the same convenience. In the end, the province renewed its submission that it was entitled to have the Carnarvon Terms carried out in letter and in spirit, and it requested that the Dominion Government be immedi-



ately moved to fulfil the terms of that settlement.<sup>95</sup> It was added that unless the present sense of slight and injustice were removed, the secession movement would likely assume serious proportions.

The two Governments were now in open antagonism and imputations of unworthy motives were being freely bandied. As has been already indicated, the British Columbia Government represented rather the island view than the view of the province as a whole. Perhaps it should rather be said that the province as a whole had no view. The feeling of dissatisfaction with the Mackenzie Government Railway policy was more intense on the island than on the mainland. On the mainland the feeling was that further surveys might result in the selection of the Fraser Valley route terminating at Burrard Inlet, and all their efforts looked, therefore, to the complete examination of the competing routes, or at any rate of their own favourite; but on the island it was felt that immediate construction to Nanaimo or to Seymour Narrows would force the selection of the Bute Inlet route, and later, in spite of natural obstacles, the linking of the two sections. The mainland was merely dissatisfied; the island was distrustful.

The talk of secession had been spreading upon Vancouver Island; soon it reached the Local Legislature itself. Amongst the members was that eccentric character already mentioned—Robert Smith, ordinarily known as Peg-leg Smith. On January 17, 1876, he moved a lengthy resolution setting out the circumstances leading up to Canada's latest offer, \$750,000, and resolving that the province appeal to the mother-land to urge upon Canada the necessity of commencing construction by July 1, 1876, and if Canada should object on the plea of increase of taxation, England, through whose promptings the union was framed and consummated, should offer suitable assistance and, failing any progress, British Columbia be allowed to secede and become an independent province under the protection of Great Britain and claiming from Canada \$30,000,000 as compensation for non-fulfilment of treaty obligations. The motion was still-born—no seconder offering.<sup>96</sup>

Confederation had now existed almost five years. With its advent the old incubus of debt had dropped from the province, and it

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<sup>95</sup> Order-in-Council, July 3, 1876; Leggo, *Administration of Lord Dufferin*, pp. 420-4.

<sup>96</sup> *Journals*, 1876, p. 9.

was thought it could live within its income. For the first six months this happy condition prevailed, but then began a series of deficits: 1872, receipts \$327,215, expenditure \$432,082; 1873, receipts \$370,150, expenditure \$372,618; 1874, receipts \$372,417, expenditure \$583,355; 1875, receipts \$351,240, expenditure \$614,658. Thus by December, 1874, there was a deficit of about \$318,273, and a year later it had increased to about \$581,691. Under Section 11 of the Terms of Union the province was completely shut out from one source of revenue—the sale of Crown Lands; but this could not account for such results as less than five years of confederation showed. It has been shown that the actual debt of the province on entering confederation was \$1,000,405; the allowed debt on the basis of the indebtedness per head of the population of Nova Scotia and New Brunswick, the population of British Columbia being taken at sixty thousand, was \$1,666,200; this was increased by the Dominion Act, 1873, to \$1,946,284. The difference between the actual debt and this increased allowed debt—\$945,878—bore interest at five per cent, payable to the province half yearly. The Walkem Government conceived the idea of drawing upon this fund to meet the expenses of Government, the effect of which would be to decrease for the future the Dominion Government allowance. An act passed in 1875 entitled them to do so, and they drew, on June 8, 1875, \$189,150 to meet a pressing portion of the accumulated deficits to that time.<sup>97</sup> On October 21, 1875, a further sum of \$150,000 was applied for, chargeable against the same fund, but the Dominion authorities charged it instead against subsidy—to be retained out of subsidy payable on and after July 1, 1876.<sup>98</sup> When this fact came out it was seized upon by the wrecker, the Hon. T. B. Humphreys, who, on January 25, 1876, moved: "That this House strongly disapprove of the policy of the Government in borrowing large sums of money from Canada at a time when Canada is a serious defaulter in respect of the most important obligation of the Treaty of Union; and this House is of opinion that in pledging the Annual Subsidies of the province for money thus borrowed—thereby anticipating the stated revenues of the country—the Government have exceeded the powers granted to them under Act No. 4 of last session."<sup>99</sup>

<sup>97</sup> 1875, Statutes, No. 4.

<sup>98</sup> 1876, Sessional Papers, pp. 573-5.

<sup>99</sup> Journals, 1876, p. 15.

The result was the defeat of the Walkem Government by a vote of thirteen to eleven—two members, Ebenezer Brown and Robert Dickinson, who had been supposed to be its supporters, voting against it. It is manifest that the charge of pledging the subsidy was only a subterfuge, for an examination of the correspondence clearly shows that the Walkem Government never intended to draw against any other fund than the debt allowance. But the Walkem Government and the Mackenzie Government seemed unable to understand each other.

The Walkem Government at once resigned, and Mr. A. C. Elliott, one of the members for Victoria City, was called upon to form a Government.

Hon. A. C. Elliott, Premier, Attorney-General, and Provincial Secretary; Hon. T. B. Humphreys, Minister of Finance and Agriculture; Hon. F. G. Vernon, Chief Commissioner of Lands and Works; Hon. E. Brown, President of the Council.

The two first named sat for island constituencies; the others for mainland constituencies. The President of the Council was not supposed to draw any salary.

The House adjourned till April 6th, to enable the new ministers to go to the people. On re-assembling, one of the first measures of the Elliott Government was an act to repeal the obnoxious Qualification and Registration of Voters Act, 1875, and to substitute for its cumbrous and unequal qualifications the plain requirement that a voter must be an adult male, British subject, who had resided in the Province for twelve months and in the electoral district for two months before applying to be registered.

The necessity for money to carry on the public business was so great and the times so dull that the Elliott Government took the backward step of levying a toll of a  $\frac{1}{2}$  a cent a pound on all goods crossing the Alexandra Suspension Bridge, and also a toll of  $\frac{1}{2}$  a cent a pound on goods leaving Clinton for Cariboo. The exceptions were so many that they nearly ate up the rule. A toll of 1 cent a pound was also levied on all goods, except miners' packs, Indian goods, and mining machinery taken over the trail from Telegraph Creek to the Cassiar mines.<sup>1</sup> The general taxation was increased—more than doubled—as the following figures show: Real property

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<sup>1</sup> 1876, Statutes, No. 3, No. 7.

tax, 1876, \$9,229; 1877, \$25,697; personal property tax, 1876, \$8,129; 1877, \$12,755.<sup>2</sup>

In June, 1876, the Hon. A. N. Richards succeeded the Hon. J. W. Trutch as Lieutenant-Governor. Mr. Richards was born in Brockville, Ontario, December 8, 1822. After receiving his early education at the district school, he studied law and was called to the bar in 1849. In 1863 he was appointed a Q. C. Five years later he made his first visit to British Columbia. In the following year (1869) he accompanied the Hon. Wm. McDougall, Governor of Assiniboia, as Attorney-General, but, owing to the troubles with Riel and his supporters, the party proceeded no further than Pembina. In 1871, Mr. Richards was called to the bar of British Columbia, and in 1875 he took up his residence in Victoria. Mr. Richards was known, not only as a barrister of high rank, but as a constitutional lawyer without a peer in the province.

This was the condition of affairs when in June, 1876, it was announced that Lord Dufferin, the Governor-General, intended to visit the Pacific province. The Earl of Carnarvon, to whom the address of January, 1876, Canada's answer thereto, and the reply of British Columbia had all been transmitted, must, by this time, have become utterly tired of the seemingly interminable controversy, and it can readily be believed, as he says, that he had "learnt with sincere pleasure" of this intention and was glad to allow the decision to remain in abeyance pending Lord Dufferin's visit and report.<sup>3</sup>

Lord and Lady Dufferin and their suite left Ottawa on July 31st for British Columbia *via* Chicago and San Francisco. From the latter city H. M. S. *Amethyst* conveyed them to Esquimalt, where they were visited by His Honour, A. N. Richards, the Lieutenant-Governor, and formally welcomed to the province by Sir James Douglas. From Esquimalt the party drove to Victoria. At the bridge over the Arm numbers of Indians were assembled in their canoes, and, as the viceregal party approached, they sang a song of welcome in the native tongue. Victoria was elaborately decorated; flags, banners, streamers, and bunting were flying in profusion from the public buildings and private residences. Several fine arches adorned the principal streets, the sides of which were

<sup>2</sup> 1878, Finance Report, p. 86.

<sup>3</sup> Leggo, Administration of Dufferin, p. 424.



clothed with evergreens and lined with a varied assemblage. On the arches were many loyal and common-place mottoes, but a mere glance at these, as a whole, showed that the railway question was of great and absorbing interest: "Carnarvon Terms," "The Iron Horse, the Civilizer of the World," "United without Union," "Confederated without Confederation," "Railroad, the Bond of Union," "British Columbia, the Key to the Pacific," "Nolumus Leges Mutari," "Our Railway Iron Rusts." One of the principal arches, which had been erected by the Carnarvon Club, bore the menacing motto: "Carnarvon Terms, or Separation." It stood on Fort Street on the intended line of the procession and was very conspicuous. Lady Dufferin says: "The Governor-General was obliged to refuse to go under it, though he said he would do so if the 'S' were turned into an 'R'; and one man who found we were making a turn to avoid the street with the obnoxious arch jumped about as if he were mad, and when he met us above the arch he jumped again and shrieked 'Three groans for Mackenzie.'"<sup>4</sup> In anticipation of the Governor-General's arrival, a meeting had been held at which an address to him had been agreed upon, putting strongly forward the alternative of Carnarvon Terms or separation, and stating in blunt language that British Columbia had no faith in Canada's promises and that the secession spirit was gaining headway every day. The delegation selected to present the address included such public men as Arthur Bunster, M. P.; the Hon. A. C. Elliott, Premier; the Hon. T. B. Humphreys; James Trimble, the Speaker of the Local Legislature; Robert Beaven, J. W. Douglas, and Dr. W. F. Tolmie, members of the Local House; J. S. Drummond, Mayor of Victoria; and representative professional and business men, M. W. T. Drake (afterwards the Hon. Mr. Justice Drake), A. J. Langley, James Fell, and J. P. Davies.<sup>5</sup> The heresy of "secession" had certainly permeated the body politic of Vancouver Island. Lord Dufferin received the delegation in his own inimitable manner, but very diplomatically refused to receive the address. These two threats thrust in the face of the Viceroy serve as a thermometer to show the height of the excitement on Vancouver Island.

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<sup>4</sup> My Canadian Journal, p. 252.

<sup>5</sup> St. John, *A Sea of Mountains*, pp. 192-6.

Social functions filled every spare moment for a week. The Governor-General then set out to visit the other parts of the province. Nanaimo, Bute Inlet, one of the proposed termini, Metlakahtla, the scene of Mr. Duncan's successful labours with the Indians, Port Simpson, another suggested terminus, Queen Charlotte Islands, with their villages set in forests of heraldic columns, were visited in succession. Turning southward, the party, at the end of about a fortnight, arrived at Burrard Inlet, the third of the proposed termini. There a forest giant—Mr. Raymur, the manager of the Hastings Mill, apologized for its limited size by saying that he had selected it as being near the water—two hundred and fifty feet in height and six feet in diameter, was felled on the site of the city of Vancouver. New Westminster came next in order. At its precincts, as Lord Dufferin and his party drove from Burrard Inlet, they were met by the Mayor, a guard of honour, and a band. The usual arches and decorations were in evidence. Again, the importance of the railway was emphasized by the mottoes, illustrating also the difference in the points of view of island and mainland. Here they were, "Which Route is the Pacific Railway to take?" "Per Vias Rectas—the Fraser Valley;" "Speed the Railway." A memorandum containing the views of the people was handed to Lord Dufferin. It expressed pleasure at the setting aside of the Carnarvon Terms and hoped that a new proposition for compensation would be more beneficial to the general interest. The thorough survey of the Fraser Valley, before the route of the railway should be definitely decided upon, was urged, and complaint was made that no real location of the Fraser River route had yet been undertaken, though often promised. Finally, inasmuch as the loss from failure to build the railway had been to the whole province the compensation should be equally far-reaching.<sup>6</sup> The whole town was out, and there was a great assemblage of Indians. Addresses were presented, to which Lord Dufferin made, invariably, a happy reply. In answering those of the Indians, he spoke a sentence at a time and waited until it was taken in turn by five different Indian interpreters. Canoe races, a torchlight procession on the water, and some unofficial fishing filled the remainder of the day.

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<sup>6</sup> St. John, *A Sea of Mountains*, vol. 2, pp. 71, 72.

At Yale the railway was again brought to mind—not by an arch, but by a live horse with a cloth upon it, bearing the inscription: “Good, but not Iron.” From Yale the journey was continued up the canyons, along the wagon road, in a light carriage in charge of the most famous whip in British Columbia—Mr. Stephen Tingley—a partner of Mr. Barnard. The strange Indian life, the wild scenery, the dangerous roadway interested the party, and Mr. Tingley’s lucid explanations made them masters of the conditions prevailing. The Indians who gathered along the route enquired which was the “Tyee,” as they called the Governor-General, and often looked dubious when Mr. Tingley indicated him, as he was wearing no uniform, nor had he any gold or silver lace ornaments. At Kamloops there were more arches, decorations, and presentations. Lady Dufferin here received a bouquet at the hands of a young lady who had been a school girl at Clandeboye when she entered it as a bride.<sup>7</sup> On the return to Yale, Lady Dufferin received high encomiums on her conduct. Seated on the box with Mr. Tingley on the drive through the canyons he testified, as she says, “that I hadn’t a scare in me;” and this in spite of the fact that Mr. Tingley had driven from Boston Bar to Yale, twenty-five miles in two hours and twenty minutes.<sup>8</sup>

Returning to Victoria on September 14th there followed a few days more of gaiety and then on the 20th just before leaving, his great Victoria speech. We are informed that the Earl “was very busy from 7 A. M. preparing for a very important speech.”<sup>9</sup> The deputation came at 11 o’clock and the Governor-General spoke till 2:30. This speech has been regarded as one of his greatest efforts. After a running sketch of his movements and of his impression of the country and its resources, he reached the railway question. He reminded his auditors that he had not come on any diplomatic mission, nor as a messenger, nor with any idea of persuading or coaxing them into any line of action; yet he desired to establish a better feeling between the province and the Dominion by stating some facts relating to the difficulties which were within his own knowledge. From the very beginning things had gone “contrairy” with the railroad. The fundamental error had arisen from too sanguine views; however, the Carnarvon Terms, 1874, afforded a new point of de-

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<sup>7</sup> My Canadian Journal, p. 279.

<sup>8</sup> Id., p. 282.

<sup>9</sup> Id., p. 285.

parture. He admitted the delays, but impressed upon his hearers the necessity for careful surveys and the difference between the routes north and south of  $49^{\circ}$ —the former “way worn and well known”—the latter, from an engineering point of view, absolutely unknown. He laboured to show that Mr. Mackenzie was not an enemy of the Pacific railway; that he had used due diligence, or even more than that, in his desire to forward the surveys; that in choosing the route Mr. Mackenzie wished to bring the railway within the reach of existing settlements, if practicable. The Esquimalt & Nanaimo Railway, which he intimated had passed off the stage, he discussed at length. Premising that he was not defending Mr. Mackenzie’s policy, proceedings, or utterances, he repelled, as an insult, the suggestion that Mr. Mackenzie had treacherously and surreptitiously procured the defeat of his own measure by the Senate. He claimed that the Premier of Canada had done his utmost to discharge the obligation to build that railway; that he had failed was due, and due only, to the uncontrolled and uncontrollable action of the Senate. Bute Inlet he thought would be selected as the terminus, but the line could not stop there; Waddington Harbour, at its extremity, would afford no room, for the traffic of such a railway; conditions would force extension to Esquimalt. If, however, this should not be so, the commencement of actual construction upon the mainland, which must soon occur, would satisfy that section, and if the secession feeling should become strong enough to take the island out of the confederation, the result would return upon themselves. In that event he cast the horoscope: “Vancouver (Island) and its inhabitants, who are now influential by reason of their intelligence rather than their numbers, would be ruled as Jamaica, Malta, Gibraltar, Heligoland, and Ascension are ruled, through the instrumentality of some naval or other officer. Nanaimo would become the principal town of the island, and Victoria would lapse for many a long year into the condition of a village, until the development of your coal fields and the growth of a healthier sentiment had prepared the way for its reincorporation with the rest of the province.”<sup>10</sup>

Though feeling was very strong, especially on Vancouver Island, Lord Dufferin, with wonderful tact, avoided offending the province

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<sup>10</sup> St. John, *A Sea of Mountains*, vol. 2, p. 217.



and, in discussing the heated question, avoided the appearance of being an advocate of the Mackenzie Government. So far as allaying the feelings of resentment was concerned, the speech had a powerful effect; but in regard to the commencement of construction it was disappointing. Although every one knew that his official position prevented his acting the *rôle* of a negotiator, yet in some unreasoning way, in spite of his constant disavowals, British Columbians expected from him some pronouncement on the future of the railway and the policy of the Mackenzie Government in regard to it.

On the evening of September 20, 1876, Lord and Lady Dufferin, with their suite, went on board H. M. S. *Amethyst* at Esquimalt, where the officers gave a theatrical entertainment for their amusement. The following day they sailed for San Francisco. The *Sir James Douglas* accompanied them out of the harbour. During their short visit, they had won the good will and respect of the people of the province, notwithstanding that their hearts were filled almost to overflowing with anger and disappointment at the treatment the province had received from the Government of Canada.

## CHAPTER XXII

### THE ELLIOTT GOVERNMENT—THE WALKEM GOVERNMENT— THE SECESSION RESOLUTION 1878, AND THE CANADIAN PACIFIC RAILWAY CONSTRUCTION

The session of 1876 closed in May, without incident. The Elliott Government seemed firmly settled in control of affairs. In the Legislature their majority was about six.

Lord Carnarvon replied, in December, 1876, to the complaint made in the preceding January. After referring to the alleviating effect of Lord Dufferin's visit, and stating that no hasty action should be pressed upon the Dominion Government, he intimated that the language used by the province had been "more severe and exaggerated" than a fair estimate of the peculiar embarrassments and difficulties of the case would seem to justify. He felt that the surveys were being carried on with the greatest vigor and despatch possible. The question of the selection of the terminus, too, was a serious one, requiring careful examination and investigation to ensure the future success of the railway. By the spring of 1878, he expected these doubtful points would be cleared up, and that, thereafter, no obstacle would exist to the active prosecution of the undertaking. He went on to say that the case of the province would not be strengthened by complaints of non-construction, when he was satisfied that the Canadian Government were doing their utmost to find a practicable route to a suitable harbour. As to the Esquimalt & Nanaimo Railway, he hoped the province would accept a money equivalent for the line in question, as he felt that it was not likely to be the most judicious expenditure of capital.<sup>11</sup>

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<sup>11</sup> Sessional Papers, 1877, pp. 381-3.  
Vol. II—25

During the recess Mr. Vowell, one of the members for Kootenay, and Mr. Bryden, the member for Nanaimo, resigned. The former was a supporter, the latter an opponent, of the Elliott Government. Their successors, Messrs. W. C. Milby and D. W. Gordon, were supporters of Mr. Elliott.<sup>12</sup> But trouble developed within the Ministry itself. The Hon. T. B. Humphreys was the storm centre. He disagreed with his colleagues, ostensibly regarding the travelling expenses of the President of the Council and also regarding the price at which certain bonds of the province were to be sold. The fact was that the other ministers were unable to work in harmony with him. To dispose of him, quietly, the Premier offered to appoint him one of the Commission then being formed to settle the Indian Reserve Question, but he was not to be got rid of in that fashion. On his subsequent refusal to resign he was, on July 24, 1876, dismissed from office.<sup>13</sup> Mr. Wm. Smithe, the senior member for Cowichan, was appointed Minister of Finance in his stead. The next difficulty occurred a few months later. The Premier, being an island representative, was pledged to the Carnarvon Terms, yet he drew a large part of his support from the mainland; but when Lord Dufferin was in New Westminster, the President of the Council, the Hon. E. Brown, joined in an address to him, in which it was stated: "The people of this district are unanimous in the feeling of pleasure with which they regard the setting aside of the proposition known as the 'Carnarvon Terms,' confidently hoping that a new proposition will be more beneficial to the interest of this province and the Dominion generally."<sup>14</sup> This adverse public stand of a member of his Cabinet placed Mr. Elliott in an awkward predicament, and on September 10, 1876, he asked for Mr. Brown's resignation as President of the Council; he received it the next day.<sup>15</sup> The Hon. F. G. Vernon, the Chief Commissioner of Lands and Works, was also of the same opinion as Mr. Brown on the Carnarvon Terms, for they were both from the lower mainland. He had not, however, been so indiscreet and had made no public statement, though his individual opinion was not concealed. The Carnarvon Club, which had been formed on Vancouver Island with the slogan "Carnarvon

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<sup>12</sup> Journals, 1877, pp. 3, 22, 39, 41.

<sup>13</sup> *Victoria Standard*, July 26, 27 and Aug. 7, 1876.

<sup>14</sup> *Victoria Standard*, Sept. 14, 1876.

<sup>15</sup> St. John, *Sea of Mountains*, vol. 2, p. 71; Sessional Papers, 1877, p. 404.

Terms, or Separation," became about this time a prominent factor in the local situation and added to Mr. Elliott's difficulties. The two subjoined incidents are illustrative. Replying to an address from Yale, Lieutenant-Governor Richards had said that his ministers "did not sympathize with the view that separation must follow as a result of the non-commencement of the Island Railway." This angered the Carnarvon Club who, in an interview with Mr. Elliott, obtained from him a statement that the Governor had not given the Cabinet's views. They then wished the Premier to discipline the Governor by refusing to pay his private secretary or by refusing supplies to Cary Castle. The Premier took the question of this petty reprisal under consideration. Later, the club organized a public meeting on March 3, 1876, to support "Carnarvon Terms, or Separation," and to ask the removal of the Chief Commissioner as being opposed to the Island Railway. The change in Lord Carnarvon's views since 1874 was charged to the influence of the "non-Carnarvon" members of the Ministry. Again, the Premier temporized. To have ejected Mr. Vernon would probably have resulted in his defection, and Mr. Elliott's majority was already too small to allow such a risk to be taken.<sup>16</sup> Mr. Elliott was trying to ride two horses, and meeting with the success which usually attends such an attempt.

The session of 1877 opened on February 21st. The Hon. T. B. Humphreys, the dismissed Minister, was in opposition. Two members, A. E. B. Davie and Robert Smith, who had regularly voted with the opposition, now supported the Government, while Messrs. Humphreys and W. M. Brown, formerly Government supporters, were in opposition. The looseness of party ties, the uncertainty of the dividing lines which these facts show, will be observed from time to time, especially when a crisis arises.<sup>17</sup> Though obliged on one occasion to rely upon the casting vote of the Speaker, Mr. Elliott weathered the session with a majority of about four. The railway question, as usual, occupied the most prominent position during this session. The opposition pressed the Government to urge the early construction of the Island Railway. The Elliott Government, like its predecessor, could not, or would not, see that the defeat of the Esquimalt & Nanaimo Railway Bill in the Senate

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<sup>16</sup> *British Colonist*, Dec. 12, 1876.

<sup>17</sup> *Journals*, March 12, 1877.



had killed the main item of the Carnarvon Terms. Lord Dufferin had tried, without success, to make this point clear to the island people in his Victoria speech. At the same time the latest suggestion of Lord Carnarvon that delay till the spring of 1878 should be granted, met favour with the majority, as a matter of necessity. When the final authority had intimated that this should be done, the part of wisdom was, however reluctantly, to agree thereto.

In May, 1877, Mr. A. E. B. Davie, one of the members for Cariboo, was appointed Provincial Secretary. Cariboo was the stronghold of Mr. Walkem, the leader of the opposition. When Mr. Davie offered himself for reëlection he was opposed by Mr. George Cowan, who had behind him the full force of Mr. Walkem's influence. In the end, Mr. Davie was defeated. Mr. Milby, one of the members for Kootenay, died in the summer of 1877, and, in November, Mr. R. T. L. Galbraith was elected as his successor. Here was a loss of two supporters of the Government.

In February, 1877, trouble occurred at the Wellington coal mines, near Nanaimo, operated by Messrs. Dunsmuir, Diggle & Co. Owing to some dispute about weights and wages, the miners went out on strike. The mine-owners employed other persons, but the strikers drove them off. The latter, though no longer in the company's employment persisted in occupying the company's houses, and when the Sheriff attempted to eject them, resisted with force. Some of the ring-leaders were arrested for unlawful acts, but matters went from bad to worse, culminating in a raid made by the strikers upon the Chinese who were at work in the mine. H. M. S. *Rocket* was sent to the scene of the trouble, and late in April the Sheriff accompanied by eighty or ninety militiamen, under the command of Lieutenant-Colonel Houghton, proceeded to Departure Bay to eject the striking miners and restore order. This demonstration of power had the desired effect and the first strike in British Columbia died away.<sup>18</sup>

On August 2, 1877, Sir James Douglas, who, since his retirement from office, had been living quietly in Victoria enjoying with the respect and esteem of the community the fruits of his well-spent life, died very suddenly. He had been in his usual good health and had spent a portion of the very day of his death in driving with his

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<sup>18</sup> Sessional Papers, 1878, pp. 525-35.

family. The active life he had led made his seventy-four years sit but lightly upon him. The *Colonist* expressed the public feeling: "The country has sustained an almost irreparable loss in the death of this great and good man, who has gone down to the grave full of years and honours, leaving a bright and imperishable record behind him."<sup>19</sup>

With the steady decrease of alluvial mining in Cariboo and over the whole country, attention turned to quartz mining. The existence of ledges in every section of the province where mining had been carried on, had been noted, but they had been passed by, because they required capital. Pieces of virgin silver were frequently found with the pay dirt. The first silver ore was discovered near Hope. At Cherry Creek in the Okanagan District, silver ore of almost fabulous richness was found, but every effort to discover a well-defined workable lead was fruitless. The vein, on the surface, assayed as much as \$2,000 to the ton, but after two years' work and the expenditure of some \$15,000 or \$20,000, the ore body was entirely lost and the venture abandoned.<sup>20</sup> About 1871 true veins of silver ore were discovered about six miles from Hope. The first—the Eureka—was about five thousand feet above the Fraser River. It was well defined, four to seven feet in thickness, and traceable for three thousand feet. The ore was described as an argentiferous gray copper yielding from \$25 to \$1,050 in silver to the ton. About three hundred feet distant the second ledge—the Van Bremer—was found and traced for half a mile. It was described as chloride of silver yielding silver values from \$25 to \$2,403 per ton. A quantity of the outcrop was sold in San Francisco for \$420 per ton. Great results were expected from these mines. A tunnel one hundred and ninety feet long was run on the former; but though both leads are supposed to be rich, no real, vigorous attempt has been made to prove their values.<sup>21</sup> From these ledges the attention of the public turned in 1876 to the free-milling quartz of Cariboo. To aid the movement the Elliott Government obtained through the British Consul in San Francisco the services of an expert, Mr. R. B. Harper. Hope sprang up that British Columbia would become a great quartz-crushing country like California. Confidence and activity now took the place

<sup>19</sup> Op. cit., Aug. 3, 1877.

<sup>20</sup> Sessional Papers, 1875; 1874 Mining Report, p. 557; 1877 Mining Report, p. 405.

<sup>21</sup> Mining Report, 1874, p. 557; 1877, p. 406.

of despondency. Miners began to look for quartz stringers and ledges. An excitement developed and mineral claims were staked in all directions. It seemed that the palmy days of 1862, 1863, and 1864 were to return. The Big Bonanza, on the summit of the mountain back of Barkerville, and the Steadman at Richfield, came early into prominence. The former gave on the surface \$14 a ton. The crushing of forty-one tons from the latter yielded an average of \$18 to the ton. The Enterprise on Lowhee and the Foster on Chisholm Creek showed good prospects, with the likelihood of improvement at greater depth. Messrs. Nason and Lawrence established a test mill at Richfield on Williams Creek, with a capacity of about four tons a day, in anticipation of the great quartz-mining era, so anxiously awaited in Cariboo.

But the expense of transporting the heavy machinery and the high cost of labour and of living were more than these mines could bear, especially as the ore decreased in value as the depth increased. By November, 1879, they had all suspended operations except the Quesnelle Quartz Mining Company on Hixon Creek and Mr. J. C. Beedy on Burns Mountain.<sup>22</sup> The latter were barely obtaining sufficient returns from their crushing to pay the running expenses. Soon these also ceased to work. The quartz of Cariboo, if it exists, must remain in place until, at any rate, the advent of railroads shall have reduced the cost of material and supplies and thus enable its hidden resources to be properly and systematically developed.

About this time Messrs. William Teague, Benjamin Douglas, and others began the development of the Queen mine on Yale Creek. The vein was four feet wide and assayed from \$8 to \$60 per ton. It consisted of quartz, galena, blende, iron pyrites, and copper pyrites. A tunnel was driven through rock one hundred and seven feet and a cross cut thirty-four and a half feet, but the lode was not true to the course; the vein had twisted and ran blind and flat at a different point of the compass—a freak in mining so often puzzling to the experienced miner and a problem to scientists.<sup>23</sup>

The Legislature met on February 7, 1878. The Government's majority of four in the last session had been so reduced by its losses in the by-elections, that the parties would have been evenly divided on

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<sup>22</sup> Mining Report, 1879, p. 237.

<sup>23</sup> Mining Report, 1879, p. 245.

the floor of the House, but Mr. Elliott succeeded in obtaining the support of his son-in-law, Mr. J. W. Douglas, a son of the late Sir James Douglas, who had theretofore supported the opposition. In amendment to the address in reply, Mr. Walkem offered a want of confidence motion based upon "the urgent necessity for a far more economical administration of the public revenue" and for a marked reduction in the annual expenditure. A few figures in this connection may be of interest. The liabilities on December 31, 1875, the last year of the Walkem Government, were \$329,080; a year later they had increased to \$536,729; and on December 31, 1877, to \$851,654.<sup>24</sup> He argued that the Elliott Government's policy of performing public works by day labour was wasteful and had been adopted for the purpose of strengthening their hold on the voters. The motion was defeated eleven to thirteen.<sup>25</sup>

Mr. Elliott introduced a bill to increase the membership of the House to thirty-three, of whom seventeen should be returned from the mainland and sixteen from the island. The bill also proposed to reduce the sessional indemnity which had been increased by the De Cosmos Government. Kootenay at that time had two members, Messrs. Gallagher and Galbraith, both opponents of the Government. Mr. Elliott proposed to reduce its representation to one member. In view of the fact that there were only forty-seven names on the voters' list<sup>26</sup> and that but thirty-two votes were polled in the district in the election of 1875, the suggested reduction appears proper. Mr. Walkem was uncompromisingly opposed to such a step: it meant a decrease in the number of his supporters. The policy of obstruction which had been somewhat in evidence during the early part of the session was now renewed with redoubled energy. Every hindrance that parliamentary procedure permitted was interposed. The divisions show numerous votes thirteen to eleven, but even with this majority Mr. Elliott was unable to make progress. The Ministry were bombarded with questions upon all sorts of subjects; every time-wasting device was invoked. Through the whole session the opposition descended to make charges that a ten mile road had been built in Yale District solely for the accommodation of the Hon. Mr.

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<sup>24</sup> Sessional Papers, 1876, p. 596; Journals, 1877, app., p. xxii; Journals, 1878, app., p. iv.

<sup>25</sup> Journals, Feb. 12, 1878.

<sup>26</sup> Voters' List, 1878.



Vernon,<sup>27</sup> that Mr. Elliott had, through agents, tried to induce Mr. Gallagher, one of the Kootenay members, to resign on the promise of appointing him to the best Government position in Kootenay,<sup>28</sup> that Mr. Elliott had obtained his position of Police Magistrate of Victoria by improper influences.<sup>29</sup> The time of the House was taken up with these discussions, creating acrimonious and personal debate, which did not redound to the credit of the Assembly. It became a question of endurance.<sup>30</sup> Mr. Elliott clung to his Redistribution Bill, saying that he would insist on its passage had he "to sit till Christmas next."

But now Mr. E. Brown, who, despite his resignation as President of the Council, had continued to support Mr. Elliott, began to waver. On March 29th the Elliott Government was defeated, owing to Mr. Brown's defection and the absence of Mr. Robert Dickinson, one of the members for New Westminster District. It will not escape attention that these two persons were those whose votes had brought the Elliott Government into power two years before. The Government would not resign, claiming that this vote was a snap verdict, and that in a full House it had control. During the next week the Assembly continued to meet and adjourn without transacting any business. At the suggestion of Mr. Walkem, the leaders met to arrange a *modus vivendi*; but neither would abandon his position in reference to the Redistribution Bill, and the meeting availed nothing.<sup>31</sup> The Legislature had been in session two months, but no supply had been voted. The public interest increased as the deadlock continued; the excitement became intense. Great crowds thronged the galleries at every sitting. The supporters of the contending parties frequently became so boisterous that the Speaker had difficulty in maintaining order. His threat to expel the public and lock the galleries unless proper conduct was observed had the desired effect. Still, no progress. Both sides seemed inexorable. On April 8th, Mr. Elliott announced that the Lieutenant-Governor would prorogue the House on the 10th, with a view to immediate dissolution.<sup>32</sup> Finally, Mr. W. J. Armstrong suggested a confer-

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<sup>27</sup> Journals, Feb. 15, 1878.

<sup>28</sup> Id., March 1, 1878.

<sup>29</sup> Id., March 4, 1878.

<sup>30</sup> *Victoria Standard*, April 4, 1878.

<sup>31</sup> *Victoria Standard*, April 8, 1878.

<sup>32</sup> Journals, 1878, p. 59.

ence of three members from each side in the hope that some arrangement might be made whereby supply could be obtained.<sup>33</sup> The agreement reached is recorded in the Journals of the Assembly.<sup>34</sup> It was a complete surrender upon the Premier's part. A bill to encourage quartz mining was to be passed; other bills were only to be taken up by mutual consent; supply was to be voted for six months; the House to be dissolved immediately; and an early election.

Mr. Elliott's limitations as a politician are clearly brought out in this struggle. He lacked the firm determination, the dogged tenacity to carry him through such a crisis. He had not the fertility of resource to enable him to keep his followers in line and to marshal them for the division bell. His retiring and studious nature was unequal to the contest with such an indefatigable opponent as Mr. Walkem. A comparison of the last stands of these two Premiers is eloquent: Mr. Elliott, though with a majority—thirteen to eleven—was halted, brought to his knees, and forced into the line of action dictated by his opponent; whereas, Mr. Walkem, four years later, carried on business for weeks on the casting vote of the Speaker, gained, instead of lost, support, voted his supplies, and sailed the ship safe into prorogation.

The Legislative Assembly was dissolved on April 12th. The elections were held in May. The Elliott Ministry were completely routed. Only eight of their supporters were returned. The Premier himself was defeated in Victoria. The members elected were:

Victoria City, Robert Beaven, William Wilson, James S. Drummond, John W. Williams; Comox, Dr. John Ash; Esquimalt, Frederick Williams, Hans Helgesen; Nanaimo, James A. Abrams; Victoria District, James J. McIlmoyl, Hon. Thomas B. Humphreys; Cowichan, William Smithe, Edward Pimbury; New Westminster District, Donald McGillivray, Wellington J. Harris; New Westminster City, Ebenezer Brown; Yale, John A. Mara, F. G. Vernon, Preston Bennett; Kootenay, Charles Gallagher, R. T. L. Galbraith; Cariboo, Geo. Cowan, John Evans, Geo. A. Walkem; Lillooet, W. M. Brown, Wm. Saul.<sup>35</sup>

In September, 1878, elections for the House of Commons were held, resulting as follows:

<sup>33</sup> Biographical Dictionary, p. 89.

<sup>34</sup> Journals, April 9, 1878.

<sup>35</sup> Journals, 1878, p. 75.

Cariboo, J. Spencer Thompson; New Westminster, Thos. R. McInnes; Yale, Edgar Dewdney; Victoria, Sir John A. Macdonald, Hon. Amor De Cosmos; Vancouver (Island), Hon. Arthur Bunster.

On the death of Mr. Thompson in 1881, Mr. James Reid was elected on March 31, 1881. On December 24, 1881, Thomas R. McInnes was appointed to the Senate, and the vacancy was filled by the election of Mr. J. A. R. Homer. Mr. Edgar Dewdney was appointed Indian Commissioner in 1879; he was succeeded by Mr. F. J. Barnard.<sup>36</sup>

#### THE WALKEM GOVERNMENT, 1878-1882

On June 25, 1878, the Elliott Government resigned as a result of the elections. Mr. George A. Walkem again took the reins of office. His ministry consisted of only three persons: Hon. George A. Walkem, Premier, Attorney-General, Chief Commissioner of Lands and Works, and President of the Council; Hon. Robert Beaven, Minister of Finance and Agriculture; Hon. Thomas B. Humphreys, Provincial Secretary and Minister of Mines.

No seat was found in this Government for Doctor Ash, who had been the Provincial Secretary under the former Walkem Government, and a consistent supporter of Mr. Walkem while in opposition. He consequently ceased to support Mr. Walkem. Thus, out of a House of twenty-five members, the opposition marshalled but nine, led by Mr. Smithe, one of the members for Cowichan.

As the supply voted in April expired on June 30, the Legislature—the third since confederation—was summoned for July 29, 1878. Mr. F. W. Williams, one of the members for Esquimalt, was chosen Speaker. The Elliott Government's policy regarding the railway had been conciliating and dignified, and, following the suggestion of Lord Carnarvon, they had awaited patiently the completion of the surveys; but now, with Mr. Walkem in command, the policy of fighting Canada 'came again to the fore. The situation soon became tense. The Opening Speech contained the following: "I regret to state that the railway question is still in a very unsatisfactory condition. By the advice of my Ministers, shortly after they assumed office, a telegram, followed by a despatch, was sent

<sup>36</sup> Parliamentary Companion, 1887, pp. 44, 376.

to the Secretary of State, strongly protesting against the steel rails being used or removed for purposes other than those for which they were designed when landed on the Island in 1875. To this protest I have received no reply. In considering these and other railway papers, which will be laid before you, I would remind you that the time has come when delay in the construction of the work, both on the Mainland and Island, can no longer be justified; and it is, therefore, incumbent upon us to take measures much more decisive than the mere entry of protests, which, however firm and just, have been systematically disregarded by the Government of the Dominion.”<sup>37</sup>

The urgent matter of supply having been attended to, the House took up the consideration of the railway question. The above quotation indicated some drastic step. It came on August 29th, when the Hon. Mr. Walkem moved the famous secession resolution. After referring to the appeal to the Queen in 1874, and the decision of Lord Carnarvon—the celebrated Carnarvon Terms—the failure of the Dominion to fulfil them, the subsequent complaint and the suggestion of Lord Carnarvon that the province wait patiently until the spring of 1878, when in all probability active construction would commence, it went on to point out that the allotted time had elapsed without any step being taken to keep this promise. The prayer of the resolution was, that, unless the Dominion began construction by May, 1879, “British Columbia shall thereafter have the right to exclusively collect and retain her customs and excise duties and to withdraw from the union; and shall also, in any event, be entitled to be compensated by the Dominion for losses sustained by reason of past delays and the failure of the Dominion Government to carry out their railway and other obligations to the province.”<sup>38</sup>

Mr. Smithe offered an amendment requesting the Imperial Government to urge upon the Dominion the necessity for immediate construction to be undertaken on island and mainland, so as to allay the feelings of uncertainty produced and the injury inflicted by the constantly recurring and long continued delays. The Legislature, however, thought this amendment too mild to meet the existing condition.<sup>39</sup> It was immediately defeated, fifteen to nine. On the fol-

<sup>37</sup> Journals, 1878, p. 78.

<sup>38</sup> Id., pp. 105-7.

<sup>39</sup> Id., p. 108.



lowing day, Dr. Ash moved another amendment, which requested that the Dominion be informed that the province regarded the Carnarvon Terms as a binding agreement, and that the delays in commencing construction had occasioned serious loss and disappointment; but that, recognizing the difficulties of the situation and actuated by a sincere desire to maintain the union, the province would agree to abide by the result of an arbitration having for its object such modifications of those Terms as would fulfil them in the spirit, if not in the letter.<sup>40</sup> The Speaker, having ruled this amendment out of order, the original motion was carried, fourteen to nine—Mr. Cowan, one of the members of Cariboo, not voting.<sup>41</sup> Thus British Columbia declared herself squarely in favour of withdrawing from the union.

The threatening resolution, duly engrossed, was forwarded to the Secretary of State for transmission to London. It reached Ottawa on October 11, 1878. At that time the Mackenzie Government, having been defeated in the preceding September, were merely in office awaiting their successors.<sup>42</sup> The document was thus lost sight of—mis-laid—and did not reach Downing Street until about March, 1879, by which date a better feeling had arisen and no action was therefore necessary.<sup>43</sup>

The time was ripe for action. Mr. Mackenzie had, on May 23, 1878, passed an Order-in-Council cancelling that of June 7, 1873, whereby Esquimalt had been selected as the terminus, and on July 13, 1878, had settled the location of the railway line as follows: Commencing at English Bay or Burrard Inlet, following the Fraser to Lytton, thence by the Thompson to Kamloops, up the valley of the North Thompson, passing near Albreda and Cranberry Lakes, to Tête Jaune Cache and along the Fraser to Yellowhead Pass.<sup>44</sup> In 1874, Mr. Mackenzie, in view of the Carnarvon Terms and the proposed early construction of the Island Railway, had obtained some five thousand tons of rails and shipped them to Esquimalt and Nanaimo.<sup>45</sup> The line of the railway from Esquimalt to Nanaimo was also surveyed. Though the Senate had killed

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<sup>40</sup> Journals, 1878, p. 109.

<sup>41</sup> Id., p. 110.

<sup>42</sup> Journals, 1879, pp. 39, 56.

<sup>43</sup> Journals, 1880, pp. 4, 5.

<sup>44</sup> Hansard, 1879, p. 1974.

<sup>45</sup> Island Railway Papers, p. 137.

the railway between these two points in 1875, the rails remained until August, 1878, when a contract for their removal to Yale at a cost of \$32,400 was made. It was proposed to commence construction at Yale, and tenders for the portion (about one hundred and twenty-five miles) from Yale to Kamloops Lake were invited. This was the situation when the Mackenzie Government resigned.<sup>46</sup>

With Sir John A. Macdonald again in office, a wonderful change was shown in the Opening Speech in 1879. No talk of secession. The only reference to it was the bald statement that no reply to the resolution had been received—the reason has been already shown. But with regard to the future, it was stated that communications upon railway matters generally had passed between the two Governments and an assurance had been given that the representations and claims of the province were being considered and would receive the best attention of the Dominion.<sup>47</sup>

The railway question was, in May, 1879, brought before the House of Commons by the Hon. Mr. (afterwards Sir) Charles Tupper, on whose motion it was resolved "that it is necessary to keep good faith with British Columbia, and commence the construction of the railway in that province as early as is practicable."<sup>48</sup> As the people of Vancouver Island were opposed to the Burrard Inlet route, further surveys were undertaken in 1879. These were in charge of Messrs. H. J. Cambie, H. A. F. MacLeod, George A. Keefer, and Charles Horetzky. To enable the Macdonald Government to be free to select another line for the railway, the Orders-in-Council made by its predecessor were cancelled on April 22, 1879.<sup>49</sup> On receiving the reports of these survey parties, Sandford Fleming, the Engineer-in-Chief, advised that with all its difficulties and its enormous expense, the Fraser River route having regard to the location of the existing population, was the preferable line for the railway. On October 4, 1879, the Macdonald Government accepted, by Order-in-Council, the location set out in the Mackenzie Government's order of July 13, 1878, and instructions were given that the portion for which tenders had been asked by Mr. Mackenzie

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<sup>46</sup> Report on C. P. R., 1879, p. 18.

<sup>47</sup> Journals, 1879, p. 1.

<sup>48</sup> Hansard, 1879, p. 1895.

<sup>49</sup> Island Railway Papers, p. 184.

—Emory's Bar to Savona's Ferry—be placed under immediate construction.<sup>50</sup>

From this time the railway question, so far as the mainland was concerned, passed off the political stage. But the Island Railway question still remained, a subject of dispute between the two Governments. The islanders were determined to have their railway. A mass meeting was held in Victoria on November 8, 1880, at which resolutions along the line of "Island Railway or Secession" were adopted. The mainland took umbrage at the statement in them that "British Columbia would benefit largely by being placed in the same position as Newfoundland."<sup>51</sup> The island, they said, was not the whole province and had no authority to speak for it. As the Dominion took no steps to place that railway under contract, the Hon. Amor De Cosmos was appointed to press upon the Dominion Government the importance of carrying out their agreement (as the province styled it) to construct the island section of the Canadian Pacific Railway.<sup>52</sup> The Hon. Mr. Walkem went to Ottawa in December, 1880, to aid in urging this course. The arguments were those already mentioned, the selection of Esquimalt in 1873 as the terminus, the offer of Mr. Edgar, in 1874, to construct the railway from Esquimalt to Nanaimo as "a portion of the railway," and the Carnarvon Terms. The facts that Mr. Edgar's offer had never been accepted and that the Senate had thrown out the Island Railway Bill were brushed aside as immaterial. Sir John A. Macdonald refused to regard the Island Railway as a part of the line, claiming, as Mr. Mackenzie had done, that the obligation of Canada ceased when the rails were brought to the seaboard and that any line upon the island was a local work, pure and simple.

On this refusal the Local Legislature, by a vote of twenty to four, resolved to appeal for the third time to the Queen. The petition set forth the whole history of the trouble, placing in the forefront the threadbare Carnarvon Terms, reiterating the long story of the delays and disappointments, and winding up with the refusal to construct the "Island section," as they were pleased to call it. The petition also found fault with the commencement of construction at Yale, which it incorrectly described as the "interior of the

<sup>50</sup> C. P. R. Report, 1880, French ed., pp. 3-5.

<sup>51</sup> *Dominion Pacific Herald*, Nov. 13, 24, 1880.

<sup>52</sup> Journals, 1883, app., p. xxvi.

province," instead of at the seaboard. It also asked for power to regulate and collect its own customs and excise duties until the completion of the railway and for compensation for the delays.<sup>53</sup> By a subsequent resolution, Mr. De Cosmos was appointed to present this document.<sup>54</sup> On the mainland, and especially on the lower mainland, great fault was found with this move. There the opinion so tersely expressed by Sir Charles Tupper prevailed: "The Island Railway has nothing whatever to do with the Canadian Pacific Railway." The members for New Westminster city and district were taken strongly to task for supporting it.<sup>55</sup> In their answer, the Dominion took the ground that the Island Railway was no part of the agreement, that it had only been offered as compensation, that the refusal of the Senate to pass the Esquimalt and Nanaimo Railway Bill in 1875 showed that, in their opinion, it was a provincial work, that the contract for the main line represented \$53,000,000 and twenty-five million acres of land, that contracts covering about \$8,000,000 (really \$9,167,040) had been entered into in British Columbia and the work was being pressed vigorously forward, that it was doubtful if Parliament would go any further, and that the request to be allowed to levy and collect its own customs meant a breach of the Terms of Union and a virtual severance of the province from the Dominion.

Any impartial observer must conclude that the Island Railway was being most unduly urged. The credit of Canada was already strained to carry out the work actually agreed upon. Whatever might be said of the past, Canada was now endeavoring right loyally to redeem her promise to connect "the seaboard" of British Columbia with the existing railway systems. Under these circumstances, to ask the construction of the Island Railway was unwise; to urge it, foolish; to appeal to London, insane. But this proceeding had its root in the Mainland vs. Island cry, which engendered the feeling that as the mainland was enjoying the benefits of actual railway construction, the island should have the same in order to be on an equality.

As in the appeal of 1874, the Secretary of State for the Colonies, Lord Kimberley, consulted the Premier of Canada. He learned

<sup>53</sup> Journals, 1881, pp. 50-2, March 21-23, 1881.

<sup>54</sup> Id., p. 56.

<sup>55</sup> *Dominion Pacific Herald*, April 6, 20, 1881; Aug. 3, 1881.



that the Dominion Government had already given directions for the survey from Emory's Bar to Port Moody, and intended to proceed at once with the work; that a proposal had been made to the syndicate which had recently taken in hand the construction of the railway in regard to a light line on the island, and that Sir John A. Macdonald was willing, after the Island Railway should be finally disposed of, to confer upon the question of compensation. In August, 1881, Lord Kimberley gave his opinion that a fair basis for a settlement of the whole question would be:

1. The construction of a light line of railway from Nanaimo to Esquimalt.
2. The extension without delay of the line to Port Moody.
3. The grant of reasonable compensation in money for the failure to complete the work within the ten years.

In his representations to Lord Kimberley, Mr. De Cosmos had also asked for an extension of the railway from Port Moody to English Bay with a ferry landing there, for an efficient ferry from English Bay to Nanaimo, both extension and ferry to be completed and in operation by July 1, 1885, and for \$2,500,000 damages. Could anything more wild be conceived? These requests were quietly ignored; they did not even receive mention in the decision.<sup>56</sup>

If the earlier appeals had borne but little fruit, this third appeal was absolutely barren. The Dominion pursued its course regarding the construction of the railway with the conviction that British Columbia, for which so much had been endured and sacrificed, was but a thankless child.

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<sup>56</sup> *British Columbian*, July 1, 1882.

## CHAPTER XXIII

### THE GRAVING DOCK—THE LAST DAYS OF WALKEM GOVERNMENT—BEAVEN GOVERNMENT—FIRST YEARS OF SMITHE GOVERNMENT

Perhaps the most confusing element in our political history is the constant change of the members of the Legislature from the support of one side to the support of its opponent. For instance, in 1876 we saw Mr. E. Brown, elected to support Mr. Walkem's Government, supporting Mr. Elliott and assisting in the defeat of the very Government he was elected to aid. He then takes a seat in Mr. Elliott's Cabinet. After resigning therefrom, he is found voting against his old leader. Elected again, in 1878, to oppose the Walkem Government, he, in 1881, is actually the mover of the address in reply. The feeling of his constituents on this Vicar-of-Bray conduct was so strong that in November, 1881, he was forced to resign, and Mr. W. J. Armstrong was elected in his stead.<sup>57</sup> So, too, we see Messrs. Harris and McGillivray, who were elected in 1878, in opposition to Mr. Walkem's Government, changing, in 1880, their allegiance and supporting him; but in 1882 they have swung round into opposition once more; yet later in that session we shall see Mr. McGillivray in the very crisis of the session changing his coat and supporting Mr. Walkem once more. Let it not be supposed that these are isolated instances. Other similar examples have been already shown. They are merely selected as the most glaring, and for the purpose of indicating a defect in the system. It need scarcely be added that in none of these cases did the members receive any mandate from their constituents to change their support.

During the session of 1881, the Walkem Government had a majority of about eight. In July, 1881, the Hon. Clement F. Cornwall, one of the Senators for British Columbia, was appointed Lieutenant-Governor in the place of the Hon. A. N. Richards, whose term had

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<sup>57</sup> *Dominion Pacific Herald*, Nov. 23, 1881.

expired. Lieutenant-Governor Cornwall was a son of the Rev. Alan Gardiner Cornwall, Rector of Newington Bagpath and Bloerstone, Gloucestershire, Chaplain in Ordinary to Her Majesty. His father's family traced an unbroken line from a son of King John, who was created Earl of Cornwall. His mother was a daughter of Thomas Kingscote of Kingscote Park, Gloucestershire. The Kingscotes had lived at Kingscote from the days before the Norman conquest. He was born in 1836 and educated at Magdalene College, Cambridge, from which he graduated A. B. in 1858. He was called to the Bar of the Inner Temple in 1862. Arriving in British Columbia in the same year, he soon settled down on his beautiful estate near Ashcroft.<sup>58</sup> He was a member of the Legislative Council of British Columbia in 1865, 1866, and 1871. At confederation, he became one of the Senators from this province. Dr. T. R. McInnes, the member for New Westminster in the House of Commons, was appointed to the vacant seat in the Senate. Mr. J. A. R. Homer was elected to succeed Doctor McInnes in the Commons.

The session of 1882 opened on February 3rd. The papers regarding the Hon. Mr. De Cosmos's latest mission to England to urge the Island Railway were laid before the House, but soon that subject was hidden from sight by the Graving Dock question. As this was the rock upon which the Walkem Government was shattered, and its successor, the Beaven Government, wrecked, a short statement concerning it will be given.

The people of Vancouver Island, having the naval base at Esquimalt, greatly desired a Graving Dock. Even before confederation it had been discussed, and in the Terms of Union Canada had agreed to guarantee the interest at five per cent for ten years on £100,000 in aid of its construction. This was changed in 1873 to a grant of \$250,000 to be advanced as the work progressed.<sup>59</sup> The Imperial Government were also approached by Mr. De Cosmos when in England in December, 1873, and a promise of a grant of £30,000 payable upon completion was obtained. The undertaking was estimated to cost \$500,000.<sup>60</sup> Although this exceeded the grants, the Walkem Government set about to secure the land and to arrange for the work. The people of the mainland, (or rather those of the

<sup>58</sup> *Inland Sentinel*, June 16, 1881; Biographical Dictionary, pp. 130, 131.

<sup>59</sup> Sessional Papers, 1873-4, pp. 49-66.

<sup>60</sup> Graving Dock Papers, 1875, p. 585.

lower mainland) looking with jealous eyes upon such an expenditure while they were in dire need of roads and bridges, set up the Island vs. Mainland cry and complained that the Government were spending public money on a luxury for the island, while refusing to do even necessary work on the mainland. To escape therefrom the Hon. Mr. Walkem, when in England on the appeal to Her Majesty in 1874, asked and succeeded in getting the Imperial grant increased to £50,000. Thus the combined grants equalled the estimated cost.

In September, 1875, the contract for the cofferdam was let to Messrs. Reed Bros. & Co. of London, for \$59,479, and in October that for the pumping machinery to Messrs. Watt & Co. of Birmingham, for £6,300. The site—six and eleven hundredths acres at Thetis Cove, owned by Messrs. Finlayson and Tolmie—was selected; engineers were engaged; arrangements for the cement were concluded; but actual construction had not been commenced when the Walkem Government resigned in 1876. The dimensions of the Graving Dock, as arranged with the Lords of the Admiralty, were to be:

Length at coping, 400 feet; Length on floor, 370 feet; Width at coping, 90 feet; Width on floor, 45 feet; Width at entrance, 65 feet, at least so as to accommodate vessels of the *Nelson* and *Northampton* class.<sup>61</sup>

The Elliott Government obtained the site at a cost of \$15,275 and made payments an account of the cofferdam contract, but when they applied to the Mackenzie Government for the promised assistance, they found that the latter would only advance the \$250,000 as a loan and not as a gift.<sup>62</sup> This, coupled with the fact that the Imperial Government's contribution was conditional upon the dock being of at least the above dimensions, thus neutralizing their grant by the increase of the cost beyond what would have been sufficient for commercial purposes, threw the expense almost entirely upon the province. In this dilemma the Elliott Government negotiated with the Dominion and Imperial Governments to take over the work.<sup>63</sup> During the session of 1878 a resolution was passed offering to the Imperial Government the gift of the site, plant, and

<sup>61</sup> Journals, 1883, app., p. II.

<sup>62</sup> Sessional Papers, 1876, p. 732; Journals, 1877, app., p. XI; Graving Dock Papers, 1877, p. 359.

<sup>63</sup> Graving Dock Papers, 1878, pp. 379-83.



machinery on hand and the work already done, on condition that they complete the dock and allow merchant vessels to use it on payment of the expenses.<sup>64</sup>

When the Walkem Government was returned to power after the elections of 1878, these negotiations were abandoned and, in October, 1880, the Dominion having consented to make a gift of their contribution of \$250,000, a contract was entered into with F. B. McNamee & Co. for the building of the dock. By this time \$183,321 had been expended; McNamee & Co.'s contract was \$350,000; the cost of the caisson was estimated at \$54,853; the contingencies, including incidentals, brought the whole estimated cost to \$620,000.<sup>65</sup> The Provincial Government were to supply all the cement required. This was supposed to be only about one hundred tons, costing say \$3,500. So negligible was it considered, that it was not thought necessary to separate it, and the cement was, therefore, simply included in the lump sum for incidentals. Questioned upon the subject in the House, the Hon. Mr. Walkem had assured the people that the Graving Dock "would not cost the country one cent more." Early in the session of 1882 it transpired that the item of cement, instead of being the bagatelle it had been represented, amounted to between four thousand and five thousand tons, costing the enormous sum of \$125,000 or \$150,000.<sup>66</sup> The House and the country immediately took fright. This project, which had already absorbed \$183,000 of the provincial revenues, threatened to take as much more. This fed the flame of Island vs. Mainland contention. During the first week of the session, on the motion of Mr. William Wilson, one of the members for Victoria City, who had been elected as a supporter of Mr. Walkem and had moved the address in reply in the second session of 1878, but who had lately been wavering in his allegiance, seconded by Mr. Smithe, the leader of the opposition, a committee was appointed to inquire into Graving Dock matters and report. It was composed of Messrs. Helgesen, Harris, Galbraith, Smithe, and Wilson. Nearly a month was spent in taking evidence,<sup>67</sup> and on March 28th the report was presented. It found that six thou-

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<sup>64</sup> Journals, 1878, Feb. 18, 1878, p. 17; Graving Dock Papers, 1878, p. 707.

<sup>65</sup> Journals, 1883, app., pp. VIII, XVII.

<sup>66</sup> Journals, 1883, p. 38; Sessional Papers, 1882, p. 485.

<sup>67</sup> March 2 to March 27, 1882.

sand or seven thousand tons of cement were required for the work. The conclusion reached was:

"That unless some large saving can be effected in the quantity of cement by substituting natural stone for artificial, the dock will cost from \$200,000 to \$250,000 more than was estimated by the Government last session.

"That the Government has shown a great want of business ability and has seriously mismanaged matters in connection with the Esquimalt Dock.

"That it has misled the Legislature as to the actual position of affairs, and has abused its position to expend a large sum of money without authority from the Legislature.

"That the result of the Government's mismanagement, unless checked by the Legislature, must be a heavy drain upon the finances of the province, and moneys that would, under good management, have been available for roads or other necessary public works, will be swallowed up by the dock, which Mr. Walkem has, on several occasions, emphatically declared would not cost the country another dollar."

The minority report, signed by Messrs. Galbraith and Helgesen, threw the blame for the existing condition upon the Elliott Government and the resident engineer, Mr. Bennett.

The reading of the report was followed by a scene. Disorder reigned. But Mr. Walkem had his back to the wall and fought valiantly for time to reform his shattered ranks.<sup>68</sup> In the midst of the confusion, Mr. Smithe managed to carry a motion to adjourn, by a vote of twelve to eleven.<sup>69</sup> But on March 31st, on the motion to adopt the report, the House was evenly divided twelve to twelve and it was defeated by the casting vote of the Speaker.

The question of representation had been before the Assembly in 1881 when, on the motion of two opposition members—Messrs. Vernon and Mara—it had been agreed that "in the opinion of this House it is desirable that at the next session the question of representation should be dealt with, with a view to equalizing, as far as possible, the various provincial interests."<sup>70</sup> The opening speech in 1882 gave no promise of such legislation, and after the House had

<sup>68</sup> *British Columbian*, March 29, 1882. See Report and Evidence in appendix to Journals, 1883, pp. 65-72, and I to LVII.

<sup>69</sup> Journals, 1882, pp. 27, 28.

<sup>70</sup> Journals, 1881, p. 17; Feb. 15, 1881.

been in session for a month without any move on the part of the Government to introduce a redistribution bill, Messrs. Harris and McGillivray, the members for New Westminster District, moved that the Government carry the resolution of 1881 into effect.<sup>71</sup> An amendment was offered by two Government supporters that, in view of the approaching election, it was not advisable to alter the existing representation without consulting the people.

The seats had remained unaltered since 1871. In 1878, to offset Mr. Elliott's abortive redistribution bill, the Walkem Government had passed an act whereby, after the death or resignation of either of the members for Kootenay, that constituency should be represented by one member and the newly created district of Cassiar should receive the other member; and that on similar contingencies, Cowichan should lose one of its members and Nanaimo gain that representative.<sup>72</sup> But no provision was made for these changes on the dissolution of the Legislature. This was remedied by an act passed in the next year.<sup>73</sup> Conditions had altered in the interval since 1871. Kootenay, in 1878, had polled but fifteen votes for its two members; Esquimalt, with only one hundred and sixty voters, had nevertheless two members; New Westminster District had eight hundred voters, but only two members. When the question was put, the House again divided evenly; again the Speaker's vote saved the day.<sup>74</sup>

During those eventful days the fate of the Government hung upon the Speaker and upon the presence of every Government supporter when the division bell rang. There being no "whip," and one of the supporters being subject to a human frailty which might endanger his being able to be present and vote, the Hon. Mr. Walkem's resourcefulness rose to the occasion. The services of the Superintendent of Provincial Police were invoked, and for a week he followed that member like his shadow, so as to produce him when required.<sup>75</sup>

With the Assembly thus equally divided, would the Premier dare to go into Supply? The question was eagerly discussed. Mr.

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<sup>71</sup> Journals, 1882, March 23.

<sup>72</sup> Statutes, B. C., 1878, c. 19.

<sup>73</sup> Statutes, B. C., 1879, c. 8.

<sup>74</sup> Journals, 1882, pp. 25, 26.

<sup>75</sup> *British Columbian*, April 1, 1882.

Walkem kept his own counsel and made no move in that direction until April 6th. Mr. Smithe immediately offered an amendment that "the Government having lost the confidence of this House, His Honour, the Lieutenant-Governor, can no longer properly repose trust in the advice of his ministers." The report of the Graving Dock Committee, the refusal to bring in the promised redistribution of seats, and the failure to command a majority upon the floor of the House were his texts. But when the vote was taken, a surprising thing occurred: Mr. McGillivray, who, during the whole session had consistently voted with the opposition, was now found lined up on the Government side. The secret of Mr. Walkem's courage was now out. The amendment was defeated, thirteen to eleven.

The remainder of the session passed without incident. Prorogation occurred on April 21st and dissolution on June 13th.

The work on the Graving Dock did not progress satisfactorily.<sup>76</sup> The contractors ceased operations on April 12, 1882. The Government took possession on June 27th, and decided to carry on its construction by day labour, pending new arrangements. A force of one hundred and sixty labourers was engaged at a cost to the province of \$500 a day.<sup>77</sup> New tenders for the caisson and for the main work were called for, to be in by January and February, 1883; but, in the meantime, political changes had happened, which must now be considered.<sup>78</sup>

For some time it had been rumored that the Hon. Mr. Walkem would be appointed to the Bench and, on May 23, 1882, the appointment was announced. His mantle fell upon the Hon. Robert Beaven, the Minister of Finance. It was, truly, a difficult task which the new Premier faced. The Government's majority of seven in 1878 had now dwindled to the vanishing point. Its policy of "fighting Canada" was distasteful to the mainland, or at least to a large portion of it, while the Graving Dock mismanagement had estranged a considerable number of its supporters on the island, where the chief strength of the Walkem Government lay. This fighting Canada policy had, in 1878, been extended. In that year the tolls upon the Cariboo road, which had been re-imposed by the Elliott Government, were increased by the Walkem Government to one cent upon

<sup>76</sup> Dry Dock Report, Sessional Papers, 1890; Sessional Papers, 1884, p. 211, and p. 355.

<sup>77</sup> *British Columbian*, Dec. 30, 1882.

<sup>78</sup> Biographical Dictionary, p. 100.



every pound of goods leaving Yale. As the construction of the Canadian Pacific Railway was about to be undertaken, Mr. John Robson, the Paymaster and Purveyor of the surveys for that railway, asked for the exemption of all materials and supplies for this work. Finally a provision was inserted relieving its construction material on such terms as the Executive might fix. This was regarded by the Dominion as unsatisfactory and the act was disallowed. Nothing daunted, the Walkem Government reimposed the increased toll in 1880 and also imposed a toll of two cents a pound on all rice carried over the Cariboo road.<sup>79</sup> The manifest effect of these acts being to hamper railway construction and increase its cost, the Dominion Government promptly disallowed them also. It may be added here, parenthetically, that after alterations and reductions in these tolls in 1884 and 1885 they, together with the tolls on the Cassiar trail, were abolished in 1886.<sup>80</sup>

On Mr. Walkem's resignation, there was not a lawyer in the Legislature. The Hon. Mr. Beaven, while remaining Minister of Finance, took over the offices of President of the Council, Premier, and Chief Commissioner of Lands and Works. The Hon. Mr. Humphreys remained Provincial Secretary and Minister of Mines. But where was an Attorney-General to be found? The portfolio was offered to Mr. M. W. T. Drake (afterwards Mr. Justice Drake) and to Mr. W. N. Bole (afterwards His Honour Judge Bole), but without success. As a last resort, Mr. Beaven called his cousin, Mr. J. Roland Hett, into the Cabinet as Attorney-General.

With these associates, Mr. Beaven faced the electorate in July, 1882. In addition to the issues already indicated, i. e., the Graving Dock and redistribution, were the usual complaints—wasteful expenditure of public money in (amongst other things) useless appeals to London—the failure to open up the country with roads and bridges and to induce settlement by supplying schools and other necessities in outlying districts—and general incompetency in every branch of the public service.

When the smoke of battle had cleared away, the Beaven Government was seen to be in full rout. Only eight of its supporters were elected. Amongst the defeated was the Hon. T. B. Humphreys.

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<sup>79</sup> Statutes, 1880, c. 28, c. 29.

<sup>80</sup> Disallowance Report, pp. 1068, 1071, 1078; Statutes, 1884, c. 33; 1885, c. 28; 1886, c. 23.

The Attorney-General was elected in Esquimalt by a majority of one, but was unseated in the following November on an election petition. In the meantime, Mr. W. J. Armstrong, who, during the preceding session had opposed the Walkem Government, joined Mr. Beaven as Provincial Secretary.

The members of this, the Fourth Legislature, were: Victoria City: Robert Beaven, Theodore Davie, Simeon Duck, and M. W. T. Drake; Comox: William M. Dingwall; Esquimalt: C. E. Pooley and Hans Helgesen; Nanaimo: Robert Dunsmuir and William Raybould; Victoria District: Robert F. John and George A. McTavish; Cowichan: William Smithe; New Westminster City: William J. Armstrong; New Westminster District: John Robson and James Orr; Yale: Chas. A. Semlin, John A. Mara, and George B. Martin; Kootenay: R. T. L. Galbraith; Cariboo: George Cowan, Charles Wilson, and Robert McLeese; Lillooet: A. E. B. Davie and Edward Allen; Cassiar: John Grant.

The members elected in opposition to the Beaven Government signed a "round robin" for the purpose of showing the standing of the parties in the hope that Lieutenant-Governor Cornwall would dismiss the defeated Ministry. He very properly regarded the party ties, if such they could be called, as too light to justify such serious action. The opposition journals clamored for the resignation of the Government or its dismissal. Failing to obtain either, they asked that the House be summoned. The Lieutenant-Governor allowed the ship to drift.

In the fall of 1882, the Governor-General, the Marquis of Lorne, and his Royal Consort visited the province. They arrived at Esquimalt on H. M. S. *Comus* on September 19th, having travelled by way of Chicago and San Francisco. On the 20th, they proceeded to Victoria, followed by a large procession. The capital was in holiday attire; arches and other decorations beautified the streets and testified mutely what the addresses expressed—the loyalty of the people and their joy in welcoming the Vice-regal party. After a few days' rest in Cary Castle, they set out to visit other parts of the province. Wherever they went the greatest enthusiasm was displayed. In New Westminster they were the guests of His Lordship, Bishop Sillitoe, who had been chaplain to the British Legation at Darmstadt and to the Princess Alice. The unassuming nature, the pure woman-

liness of the Princess Louise won for her unalloyed esteem. She struck the chord of our common humanity in her references to Her Majesty the Queen as "my mother," and to His Excellency, the Governor-General, as "my husband." The Governor-General visited Yale, rode on the railway through the canyons of the Fraser, thence to Ashcroft and Kamloops, into the Okanagan and Spallumcheen valleys, and returned to the coast after an absence of nearly three weeks. After examining Port Moody the party returned to Granville, which was already spoken of as the probable terminus of the railway and is now included in the city of Vancouver. When Lord Dufferin had been there in 1876, a tree had been felled in his honour, but the Princess Louise, woman-like, selected a stately fir growing on the edge of the inlet and towering high above its fellows, and she requested, as a special favour, that it might for all time be spared the woodsman's axe.<sup>81</sup> For years the Princess Louise's tree was an object of interest. Though somewhat injured by the fire of 1886, the royal tree stood alone amidst the black, scorched, treeless area upon which the city of Vancouver was rising. Every effort was made by the officers of the railway to save it, but, becoming a danger to the people, orders were reluctantly given for its removal, and by 1888 the Princess Louise's tree had become merely a memory.<sup>82</sup>

The Governor-General gave attention to other than social matters. Knowing of the friction between the two Governments, especially over the Island Railway, he essayed to emulate Lord Dufferin in bringing about a better feeling. Mr. Robert Dunsmuir had made an offer to construct the line, but nothing had come of it. When a delegation from Nanaimo composed of Mr. Raybould, M. P. P., Mayor Bate, A. Mayer, and George Thompson waited upon the Marquis, requesting him to visit Nanaimo, he discussed with them the possibility of inducing Mr. Dunsmuir to renew the negotiations. The Governor-General recognized that the Island Railway was the key of the situation. In conversation with the Hon. Mr. Beaven, then Premier, he found him well disposed towards any step which would terminate the misunderstanding. He approached Mr. Dunsmuir, who though at first reluctant to imperil his fortune in the construction and operation of this railway, finally, the Mar-

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<sup>81</sup> Queen's Highway, p. 80.

<sup>82</sup> The New Far West, pp. 56, 58.

quis persisting, consented to undertake the task if terms could be arranged satisfactory to his associates.<sup>83</sup>

For three months the Vice-regal party remained in the province. Balls, dinners, paper-hunts, shooting and fishing excursions, receptions and functions of all kinds were of almost daily occurrence during their residence at Cary Castle. The party left Victoria on December 7, 1882, in H. M. S. *Comus*. It had been intended to return *via* Puget Sound and Portland, but owing to the prevalence of fog, they sailed direct for San Francisco. The steamers *Alexander* and *R. P. Rithet*, crowded with excursionists, accompanied the departing visitors as far as Race Rocks.<sup>84</sup>

The Beaven Government had desired to postpone the summoning of the new Legislature until the tenders for the Graving Dock were received, but in response to a memorial signed by three-fifths of the members the Lieutenant-Governor at last ordered that the House be called together on January 25, 1883.<sup>85</sup> The Ministry, i. e., the Hon. Mr. Beaven and the Hon. Mr. Armstrong, then faced an Assembly overwhelmingly hostile. Yet they and their six followers went bravely on. On the motion of a Government supporter, Mr. J. A. Mara, an out and out opponent of the Beaven Government, was selected as Speaker. Then occurred an incident, unique in our history—a Government in an admitted minority of eight on the floor went calmly on to lay down, in the opening speech, their policy.<sup>86</sup> But the curtain was soon rung down upon the farce. Instead of taking the speech into consideration, Mr. Smithe moved a vote of want of confidence, coupling therewith a condemnation of the Ministry for having violated the spirit of responsible government in failing to advise that the House should be called together at a much earlier date. The formality of a division resulted in the defeat of the Government, sixteen to eight.<sup>87</sup> Surely the Beaven Ministry died hard and in the last ditch.

#### FIRST DAYS OF SMITHE GOVERNMENT

On January 29, 1883, Mr. Beaven resigned. Mr. Smithe immediately stated that he had been called upon and at the same time

<sup>83</sup> *British Columbian*, Oct. 7, 1882.

<sup>84</sup> *British Columbian*, Dec. 9, 1882.

<sup>85</sup> *Id.*, Dec. 9, 29, 1882.

<sup>86</sup> *Journals*, Jan. 26, 1883.

<sup>87</sup> *Journals*, 1883, p. 6.



announced his Cabinet: Hon. Wm. Smithe, Premier and Chief Commissioner of Lands and Works; Hon. A. E. B. Davie, Attorney-General; Hon. John Robson, Provincial Secretary and Minister of Finance and Agriculture; Hon. M. W. T. Drake, President of the Council.

The Legislature adjourned till February 19th, to enable the new Ministers to obtain the sanction of the people.

The Government which had just gone to its death had, with its lineal predecessors, the De Cosmos and Walkem Governments, held office since 1873 with the exception of the two years of Mr. Elliott's *régime*. The new Government with its lineal successors, the A. E. B. Davie, Robson, Theodore Davie, and Turner Governments retained power until August, 1898.

After the elections in September, Sir John A. Macdonald had expressed the hope that a satisfactory arrangement of the difficulties between the province and the Dominion would soon be reached.<sup>88</sup> The Smithe Government set to work in earnest to end the Island Railway embroglio, to settle the compensation for delay in the construction of the railway, to adjust the difficulty regarding the railway lands, and to relieve the province from the deadly burden of the Graving Dock. These matters were all dealt with in a lengthy but conciliatory minute and placed before Mr. J. W. Trutch, who occupied the position of Confidential Agent of the Dominion in British Columbia.<sup>89</sup> The new spirit cannot be shown more clearly than by a reference to the Order-in-Council accepting the offer made by the Dominion in May, 1883, for the settlement of these accumulated difficulties. While feeling that the injury sustained by the province from the non-fulfilment of the railway agreement and from locking up the public lands from sale and partly from settlement had not been fully considered by the Dominion Government, it was, nevertheless, desirable to accept the proffered settlement as it was "a matter of vital importance to the province that the questions which

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<sup>88</sup> *British Columbian*, Dec. 30, 1882.

<sup>89</sup> Order-in Council, Feb. 10, 1883; Island Railway and Graving Dock Papers, 1883, p. 453.

have so long agitated the public mind and have tended to embitter the relations existing between the two Governments should be settled and that the Dominion and the province should unite in a common endeavor to open the country to settlement in the fullest manner possible."<sup>90</sup> The Smithe Ministry were anxious to sweep away, in a few weeks, the accumulation of years of discord. Expedition was required. This desire to bring the two Governments into harmony in record time induced the Hon. Mr. Smithe to introduce and pass in the session of 1883 the Island Railway, Graving Dock, and Railway Lands Act.<sup>91</sup> The dates are eloquent testimony to the celerity: introduced and read the first time, May 7th; passed the second reading, May 9th; through committee and reported, May 10th; third reading, same date; and assented to on May 12th. It is not surprising therefore, that this act did not accurately cover some minor details.<sup>92</sup>

The visit of Sir Alexander Campbell, the Minister of Justice, during the summer of 1883 afforded an opportunity of more thoroughly considering the various subjects mentioned in this act and resulted in a complete understanding and settlement of all these vexed questions. The agreement received legislative sanction during the session of 1884.<sup>93</sup> The Provincial Government agreed to convey to the Dominion about one million, nine hundred thousand acres of land in the southeastern part of Vancouver Island, described as follows: bounded, on the south, by a straight line drawn from the head of Saanich Inlet to Muir Creek on the Straits of Fuca; on the west, by a straight line drawn from Muir Creek to Crown Mountain; on the north by a straight line drawn from Crown Mountain to Seymour Narrows; on the east, by the coast line of Vancouver Island to the point of commencement; and including all coal, coal oil, ores, stones, clay, marble, slate, mines, minerals, and substances whatsoever thereupon, therein, and thereunder.<sup>94</sup> Certain exceptions and

<sup>90</sup> Island Railway and Graving Dock Papers, 1883, p. 459; Order-in-Council, May 7, 1883.

<sup>91</sup> Statutes, B. C., 1883, c. 14.

<sup>92</sup> Journals, 1883, pp. 75, 78, 79, 80, 87, 91.

<sup>93</sup> Statutes, B. C., 1884, c. 14.

<sup>94</sup> Statutes, B. C., 1884, c. 14, s. 3.

reservations were made in regard to this area. This land grant, known as the Esquimalt and Nanaimo Railway grant, supplemented by a bonus of \$750,000 to be contributed by the Dominion, was to be given for the construction of the Island Railway. The province also agreed to transfer to the Dominion three million, five hundred thousand acres of land in the Peace River country as satisfaction for the lands alienated by it out of the forty mile railway belt on the mainland under the provisions of Article 11 of the Terms of Union. The Dominion agreed to take over, complete and operate the Graving Dock as a Dominion work, repaying to the province the money already expended thereon (about \$182,000) and a further sum of \$250,000. Provisions were inserted regarding the administration of the railway lands—the Island Railway grant as well as the belt on the mainland. These arrangements were to be taken by the province in full settlement of all claims for delays in construction of the Canadian Pacific Railway and in respect of the non-construction of the Island Railway, and by the Dominion in full of its claims for additional lands under Article 11 of the Terms of Union.

Thus ended the troubles with the Dominion. The Island Railway and the Graving Dock, which for years had added fuel to the sectional jealousies and afforded political footballs for both parties in the province, disappeared from the region of politics.

On August 24, 1883, the Graving Dock was formally taken over by Canada. The contract for its completion was let to Larkin, Connolly & Co., of St. Catharines, Ontario, on April 12, 1884. It was completed in 1887. The first vessel to enter it was H. M. S. *Cormorant*, on July 20, 1887. Its dimensions as completed were, width fifty-seven feet, depth twenty-seven feet, length four hundred and fifty-seven feet. Built of sandstone imbedded in cement and equipped with the latest types of gates, valves, and pumping apparatus it was regarded as one of the best and most modern dry docks on the Pacific coast.

The Island Railway—the Esquimalt & Nanaimo—was soon commenced. The contract for its construction was let in July, 1883,

to Mr. Robert Dunsmuir and his colleagues, Messrs. Collis P. Huntington, Mark Hopkins, Leland Stanford, and Charles Crocker of the Southern Pacific. The actual work of building the road was done under a sub-contract by Messrs. Paterson and Riley, now Lieutenant-Governor and Senator respectively. Sir John A. Macdonald, the Premier of Canada, who was then on a visit to the province over the Canadian Pacific Railway, drove the last spike near Shawnigan Lake, August 13, 1886.





## CHAPTER XXIV

### THE CANADIAN PACIFIC RAILWAY AND HOW IT WAS BUILT

Leaving the domain of politics, let us now trace briefly the progress of the actual work of railway building so far as it relates to our province. Between 1871 and 1878 about \$10,000,000 had been expended by the Dominion in surveys and construction, of which \$1,300,000 had been used in the surveys in British Columbia. Now construction was to commence. The contracts from Emory's Bar to Savona's Ferry, a distance of one hundred and twenty-eight miles, were secured by a syndicate headed by Mr. Andrew Onderdonk and Mr. D. O. Mills of San Francisco. The work was divided into four sub-sections:

Sub-section A, Emory's Bar to Boston Bar, 29 miles; to be completed by December 31, 1883.....	\$2,727,300
Sub-section B, Boston Bar to Lytton, 29½ miles; to be completed by June 30, 1884.....	2,573,640
Sub-section C, Lytton to Junction Flat, 29 miles; to be completed by December 31, 1884.....	2,056,950
Sub-section D, Junction Flat to Savona's Ferry, 40½ miles; to be completed by June 30, 1885.....	1,809,150
	\$9,167,040

Yale, as the ordinary head of navigation, sprang into a prominence far exceeding its old-time glory as the centre of gold mining in 1858-9, or as the distributing point for Cariboo during the golden days of 1862, 1863, and 1864. The railway contractors established their general offices there. Powder and acid works were erected with a capacity of two thousand pounds per day of the highest grade of explosives; engine construction and repair shops of

all kinds built; houses sprang up in every direction; hotels, saloons, and business places crowded each other along the narrow streets. A medley population gathered to the spot. Probably there was no nation unrepresented in Yale in 1881, 1882, 1883, and 1884. A newspaper, the *Inland Sentinel*, formerly the *Cariboo Sentinel*, was established first at Emory, but later at Yale.

Emory, four miles below Yale, became an ephemeral town, as it was the point where the railway commenced, owing to the riffle known as Emory's Bar which, at certain stages of the water, obstructs navigation and at any stage is a difficult and dangerous spot. Hotels, stores, and a sawmill rapidly appeared. The first locomotive for work on the Canadian Pacific Railway in this province (which was most appropriately named "Yale") arrived at New Westminster on May 3, 1881. It was immediately transhipped and forwarded to Emory, where track laying commenced on May 23. The 4th of July, 1881, was celebrated by the first railway excursion from Emory to Yale. At Emory were located the vast storage warehouses for materials and supplies required along the line eastward. When the works there were in full blast, three saw-mills were operated by the company. These were continuously employed in sawing bridge and construction timber. Today no vestige of all this industry remains.

From Emory, all along the Fraser to Lytton, but more especially between Yale and the Suspension Bridge, an immense number of men were at work. The contractors were desirous to secure white labourers for the railway and all that could be obtained in the province or along the coast, even as far as San Francisco, were employed—"Onderdonk's lambs," as they were called. Indeed they went so far as to offer to contribute to the Dominion Government \$250,000 towards the organization of a scheme for importing such labourers.<sup>95</sup> When this failed, they had recourse to Chinese. The scenes at Yale when this motley body of workers received their pay baffles description.

One who was there and saw the sight which a Sunday in Yale in 1880 presented has drawn the following picture which, from personal knowledge, is believed to be uncoloured: "The town of Yale was *en fête* that day, in a 'wild and woolly' sense, and the one

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<sup>95</sup> *British Columbian*, July 12, 1882.

long main 'business' street, fronting on the river, presented a scene and sounds at once animated and grotesque, bizarre and risqué. The shell-like shacks of saloons, whereof every third building, nearly, was one, fairly buzzed and bulged like Brobdignagian wasps' nests whose inmates, in a continual state of flux, ever and anon, hurled in and out, in twos and threes, or tangled wrangling masses. Painted and bedizened women lent a garish colour to the scene. On the hot and dusty road-side, or around timbers, rails, and other construction *débris*, men in advanced stages of intoxication rolled and fought, or snored in bestial oblivion."<sup>96</sup>

The work was pressed rapidly forward. By the end of November, 1880, the first two tunnels beyond Yale were completed.

On October 15, 1880, a remarkable landslide occurred on the Thompson River, about twenty miles above Spence's Bridge. It formed a solid dam, a half a mile long and about one hundred and fifty feet high. Below it the river bed became dry and swarms of Chinese gathered a great quantity of stranded fish. Above the obstruction several farms were flooded and property destroyed. Gradually the water rose to the height of the dam and flowing over, wore a channel, giving relief to the flooded area, after the river bed below had been dry for forty-one hours.<sup>97</sup>

In July, 1880, a great fire occurred at Yale. Though the town then contained about fifteen hundred inhabitants, the buildings were all of wood. In this inflammable material the fire made such headway that one-third of the town was destroyed before it was got under control. The work of rebuilding was at once commenced, but again, in August, 1881, a disastrous fire occurred, in which fully one-half of the town was consumed, entailing a loss of \$77,000.<sup>98</sup>

The location of the line of railway between Emory and Port Moody was undertaken in the summer of 1881. Messrs. George A. Keefer, L. B. Hamlin, and T. H. White were in charge of the work, under Mr. Marcus Smith. Tenders were called for, early in 1882. Some seventeen tenders were received from Portland, Oregon; San Francisco; Perth, Ontario; St. Catharines; New York; and Montreal. The figures varied from \$3,500,000 to \$2,480,000.

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<sup>96</sup> George Kennedy in *Inland Sentinel*, May 29, 1905.

<sup>97</sup> *Dominion Pacific Herald*, Oct. 20, 1880.

<sup>98</sup> *Dominion Pacific Herald*, Aug. 20, 24, 1881.



The bid of Onderdonk and Mills for \$2,680,000, which was not the lowest, was accepted as being the lowest practical tender.<sup>99</sup>

To carry on their work the contractors imported Chinese. In the spring of 1881 some two thousand white labourers and three thousand Chinese were at work on the railway between Emory and Boston Bar. By 1882 nearly three thousand Chinese labourers were employed between Emory and Lytton. More were wanted and soon they were brought in by the ship-load.<sup>1</sup> The *W. J. Rotch* arrived on April 20th, with 545; then followed in quick succession the *Blue Jacket* with 466, the *Syren*, 325, the *Euphrates* about 900 and in May another cargo of 1,700 arrived. These additions brought the number of Chinese on the railroad construction to about 6,500. The number of white labourers employed was about 2,500, bringing the full force to about 9,000 men.<sup>2</sup> The wages paid to the latter were: Overseers, \$125 per month; rock foremen, \$3 to \$4 per day of 10 hours; earth foremen, \$2.25 to \$3 per day of 10 hours; bridge foremen, \$3 per day of 10 hours; bridge carpenters, 1st class, \$2.50 per day of 10 hours; bridge carpenters, 2nd class, \$2 per day of 10 hours; masons, \$2.50 to \$3.50 per day of 10 hours; blacksmiths, 1st class, \$3 per day of 10 hours; blacksmiths, 2nd class, \$2.50 per day of 10 hours; blacksmiths' helpers, \$1.50 to \$2 per day of 10 hours; drillers, \$1.75 to \$2 per day of 10 hours; labourers, \$1.50 to \$1.75 per day of 10 hours; hewers, \$2.50 to \$3 per day of 10 hours; choppers, \$1.50 to \$2 per day of 10 hours.<sup>3</sup>

The contracts for the work between Emory and Savona's Ferry did not include the bridging of the Fraser near Cisco. In March, 1882, Messrs. Onderdonk and Mills, as representing the syndicate, agreed to build the iron cantilever bridge, which spans the river at that spot, for \$259,000.<sup>4</sup> Its length was five hundred and thirty feet; the central span, three hundred and fifteen feet, resting upon solid masonry ninety-six feet high. Six thousand tons of iron and steel were used in its construction.

The work between Yale and Lytton, and especially the first twenty miles, was very heavy, some portions costing nearly \$200,000

<sup>99</sup> *Dominion Pacific Herald*, Feb. 15, 1882.

<sup>1</sup> *British Columbian*, June 14, 1882.

<sup>2</sup> *Id.*, April 22, 1882; May 10, 1882.

<sup>3</sup> Schedule, March 1, 1881, in *Dominion Pacific Herald*, March 19, 1881.

<sup>4</sup> *British Columbian*, March 18, 1882.

a mile, and the whole averaging over \$90,000 a mile. In the first twenty miles thirteen tunnels were bored, four within a mile of Yale and a half a mile further a series of six. The cuttings and tunnels were twenty-two feet in width, the embankments seventeen feet. Between Port Moody and Savona's Ferry, over and above the tunnels, some eleven million cubic yards of earth and rock were removed.

The engineering staff on the construction between Port Moody and Savona's Ferry were Marcus Smith, Deputy Engineer-in-Chief; W. T. Jennings, Superintendent Engineer; Albert J. Hill at Port Moody, with J. B. Brophy, R. C. Cridge, and A. E. Hill; at Hope, E. A. Wilmot, J. P. Burnyeat, W. O. Strong, and C. L. McCammon; at Spuzzum, H. J. Cambie, T. H. White, W. F. Gouin, and J. Aylen; at 42 Mile House, George A. Keefer and H. B. Smith; at Lytton, C. F. Hanington and W. C. Mitchell; at Kanaka Bar, J. H. Gray; at Boston Bar, Henry Fry; at Drynoch, H. A. F. MacLeod and W. G. Pinder; at Nicomen, G. C. Carman; at Cook's Ferry (Spence's Bridge), J. W. Heckman; at Cache Creek, L. B. Hamlin and N. B. Gauvreau; at 89 Mile Post, J. Page.

The contractors' staff included E. G. Tilton, Chief Engineer and General Superintendent; George F. Kyle, assistant to General Superintendent; E. T. Scovill, Division Engineer from Yale to Lytton; S. P. Tuck, Division Engineer from Lytton to Savona's; G. W. Campbell, Chief Timekeeper; John Trutch, Auditor; Henry B. Havens, Cashier; E. A. Cunningham, Chief Accountant; Frank Jarvis, Bookkeeper.

From Emory to Boston Bar, the Superintendent of Construction was James Leamy; from Boston Bar to Lytton, A. J. McLellan.<sup>5</sup>

For the purpose of aiding in the transportation of construction material, the powerful little steamer *Skuzzy* was built by Mr. Dalton for the contractors early in 1882 near the Big Tunnel at the end of the Big Canyon. This vessel, the pioneer steamboat on this awful section of the Fraser, was launched on May 4, 1882, and christened by Mrs. Onderdonk after a stream above the tunnel. With her machinery this steamer drew only eighteen inches of water; her dimensions were one hundred and twenty-five feet in length and twenty-four and a half feet beam, with a register of

<sup>5</sup> B. C. Directory, 1882-3, p. 372.

about one hundred and fifty tons. Capt. Asbury Insley, one of the most competent pilots on the river, undertook to take the vessel through the canyon.<sup>6</sup> Having tested the machinery, he began the task, but after crossing the first riffle and making a few miles he was unable to make further progress. Mr. Onderdonk then sent for Capt. S. R. Smith, Engineer J. W. Burse, and Pilot W. H. Patterson who had for years been navigating the swift waters of the Columbia. The river was forty feet above ordinary high water, but with her own machinery, aided by a powerful steam winch, and one hundred and twenty-five Chinamen on the tow line, they succeeded in sixteen days in accomplishing the difficult task, and brought the *Skuzzy*, with her first load of freight safely through the fierce and boiling current and moored her at Boston Bar.<sup>7</sup> During 1882 and 1883 the *Skuzzy* plied between Boston Bar and Lytton, aiding in the construction of the railway. Capt. James Wilson of Portland was in charge in 1883, after which date, having served her ephemeral purpose, the *Skuzzy* was tied up at Keefers. In 1884 she was dismantled; her machinery was taken to Savona's and placed in a new *Skuzzy*.<sup>8</sup>

In July, 1883, the rails had been laid from Emory to a point thirty-two miles beyond Yale, or seven miles beyond Boston Bar. An occasional train carrying freight and passengers ran over this section of the line, for in the construction the Cariboo wagon road was in many places obliterated.

Sir John A. Macdonald announced in June, 1880, that a syndicate consisting of John S. Kennedy of New York, Richard B. Angus and James J. Hill of St. Paul, Morton Rose & Co., of London, and John Reinach & Co., of Paris had been formed to build the remainder of the Canadian Pacific Railway by May 1, 1891. The principal terms of the arrangement were that the Dominion should complete and hand over to the company the portions of the line between Port Moody and Savona's Ferry and the section then under construction in the east, amounting in all to seven hundred and thirteen miles and representing approximately an outlay of \$30,000,000. The line between Callendar—a geographical expression for the intended terminus of the Canada Central Railway—

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<sup>6</sup> *Inland Sentinel*, May 11, 1882.

<sup>7</sup> *Victoria Colonist*, July, 1882.

<sup>8</sup> Lewis & Dryden, *Marine History*, p. 297; *Inland Sentinel*, Oct. 5, 1882.







KICKING HORSE RIVER AND MT. STEPHEN, FIELD



BEAVER CANYON

and Savona's Ferry was estimated to be about nineteen hundred miles in length. The subsidy for its construction was fixed at \$25,000,000 and 25,000,000 acres of land; each amount to be given to the company in stated proportions to the work done on each section. Materials used were to be admitted free of duty. The lands, if unsold, were to be exempt from taxation for twenty years. The right of way over Crown lands was to be free. The rates charged by the company were not to be subject to Government interference until the shareholders were in receipt of ten per cent on their stock; and for twenty years no competitive lines were to be allowed to cross the American boundary in Manitoba or the Northwest Territories.

This agreement contemplated that the railroad would follow the route from Savona's Ferry up the North Thompson and the upper waters of the Fraser to the Yellowhead Pass. One of the first decisions of the company was to adopt a more southerly course. This change was based upon the principle of obtaining the shortest trans-continental route—a reason which the company claimed was unanswerable.<sup>9</sup> The Parliament of Canada assented to this alteration, provided the substituted pass were not less than one hundred miles from the American frontier.<sup>10</sup> The choice lay between the Howse Pass and the Kicking Horse. Major A. B. Rogers arrived in March, 1881, to examine their suitability. The selection of the former meant a saving of seventy miles as compared with the Yellowhead; but if the latter were chosen the saving would be about one hundred miles. And, again, the Howse Pass is a thousand feet higher than the Kicking Horse. These two factors settled the question and the Kicking Horse, with all its difficulties, was adopted. The Kicking Horse River, in its early course, falls eleven hundred feet in three and a half miles. To make that descent, and at the same time not exceed the two and two-tenths per cent grade, which had been set as the maximum, would require a circuitous route. A temporary line at the most difficult part, with a very steep gradient, was constructed. In the forty-four miles between the summit of the Rockies and the mouth of the Pass, a fall of two thousand, seven hundred and fifty-seven feet was accomplished. In that distance, in addition to other minor streams, the Kicking Horse River was crossed nine times and, ex-

<sup>9</sup> Fleming, *England and Canada*, pp. 410-11.

<sup>10</sup> *Dominion Statutes*, 1882, chap. 53.

clusive of tunnels, one million, five hundred thousand cubic yards were excavated, thirty-seven thousand of which were of rock.<sup>11</sup>

Even after the Columbia was reached, greater obstacles lay ahead—the crossing of the Selkirk and Gold ranges. Mr. Moberly's Eagle Pass gave the required route through the Gold Range, and Major Rogers, by following Mr. Moberly's suggestion, and examining the south branch of the Illecillewaet, found a suitable pass, now known as Rogers Pass, through the Selkirks. It is significant that all the years of exploration and the expenditure of millions in surveys to find a route were brushed aside because of the extra one hundred miles entailed by taking the Yellowhead Pass, and that in the end a line was selected almost identical with that which Mr. Moberly had advocated and explored in the early days of the colony. It is, indeed, questionable whether a similar course would be followed were the Canadian Pacific Railway being constructed today. The choice of the Kicking Horse Pass practically forced the use of Rogers Pass and Eagle Pass and resulted in giving the railway the great scenic road of America, but in the struggle for commercial supremacy the grades will yet be found a serious handicap. In September, 1882, the president of the railway telegraphed to the Marquis of Lorne, who was then visiting the province: "The route through the Rocky Mountains is by the Kicking Horse Pass. This has been adopted, and Major Rogers reports having found the looked-for pass through the Selkirk Range, thus making the connection with Kamloops by the shortest possible line. The grades for twenty miles on either side of the summit, though heavy, are easier than any of the American lines. No tunnel necessary. Hope to be within two hundred and fifty miles of Kamloops by this time next year. Expect to have the whole line from Montreal to the Pacific Ocean open by January 1, 1887."<sup>12</sup>

The Marquis of Lansdowne, the Governor-General of Canada, determined to visit British Columbia as his predecessors the Earl of Dufferin and the Marquis of Lorne had done. They had been obliged to travel by way of San Francisco; he determined to come *via* the Canadian Pacific Railway, which was then (August, 1885) near-

<sup>11</sup> Quarterly Review, January, 1887, p. 131.

<sup>12</sup> British Columbian, Oct. 4, 1882.







MAJOR A. B. ROGERS



WALTER MOBERLY

ing completion. After a short *détour* to Lethbridge to examine the coal mines there, the Governor-General resumed his journey to the end of the track, which was then at a point eighteen miles east of Revelstoke. The gap of forty-seven miles between the two ends of track was crossed in two days on horseback. Taking the waiting train, the Governor-General and party sped onward to Port Moody, where they embarked for Victoria. A few days were spent in Victoria and Nanaimo; the usual banquets and loyal addresses were presented. On September 14th they visited New Westminster, from which place they took a steamer up the Fraser to Port Hammond, where the return journey by rail commenced. An interval of thirteen days had elapsed between the Governor-General's arrival at the end of the western track and his return thereto. In that time the gap had been decreased to twenty-eight miles. This will afford an indication of the celerity with which the work was being finished. One day's ride on horseback brought the party to the end of eastern track. He reached Ottawa *via* Chicago on October 26th. As he remarked in Victoria, he was the first Governor-General to visit the province by the all-Canadian route.

The contractors on the portion between Savona's Ferry and Revelstoke included D. D. Mann (now Sir Donald Mann), Quigley and McCrimmon, Corey, Barry and Dougherty, James Leamy, and Miner, Ross & McDermott. The line was finished in January, 1885, from Yale to a point some miles east of Sicamous. This work had gone on rapidly owing to the accessibility of the located line, which enabled supplies to be laid down by steamers where required.<sup>13</sup>

By the spring of 1885 the section from Port Moody to Savona's Ferry was approaching completion. In the vicinity of the Gold and Selkirk ranges a gap only two hundred and twenty miles then intervened between the parties—almost armies—working from the east and west respectively. This was gradually closed. While the track-layers from the east were steadily making their way through Rogers Pass, those from the west were making good progress across the Gold Range. Several miles of track yet remained to be laid in the west when the first train left Montreal for the Pacific. It consisted of locomotive 148, and cars 77, "Tepedia" and "Saskatchewan," and

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<sup>13</sup> *Inland Sentinel*, Jan. 29, 1885.

carried Mr. (now Sir) W. C. Van Horne, General Manager; Mr. Donald A. Smith (now Lord Strathcona), Vice President; Mr. Sandford (now Sir Sandford) Fleming; Mr. J. H. McTavish, C. P. R. Land Commissioner; Mr. H. H. Abbott, the company's solicitor; Mr. Harris of Boston, Mass., one of the directors; Mr. J. H. Ross, the Manager of the North American Contracting Company; and Mr. H. B. Peers, Private Secretary to Mr. Van Horne. Before this pioneer train reached Craigellachie, a small station about midway between Revelstoke and Sicamous, the gap had been closed with the exception of one rail. There, on November 7, 1885, about 9 o'clock in the morning, after a few brief words of congratulation, and amidst a tense silence broken only by the sound of the blows of the hammer wielded by no inexperienced hand, Mr. Donald A. Smith drove the last spike, and the Canadian Pacific Railway became an accomplished fact. Then the pent-up feelings gave vent and a good British cheer rose from the multitude and reverberated from the neighbouring mountains. It was man's triumph over the forces of nature. There was no big excursion, no banquet, no speech-making, no ostentatious display. When called upon for a few remarks Mr. Van Horne simply said: "All that I have got to say is that the work was well done in every way." It was simply the matter-of-fact completion of a business undertaking. The only other persons present besides the railway officials were those who had been actively employed in laying the permanent way. "The last spike," Mr. Van Horne had long before announced, "will be just as good an iron spike as any on the road; and those who want to see it driven will have to pay full fare,"<sup>14</sup> Before nightfall the telegraph—for the wire had throughout kept pace with the railway—brought the following graceful and fitting message from Lord Lansdowne, the Governor-General:

"I am directed by the Governor-General to acquaint you, that he has received Her Majesty's commands to convey to the people of Canada her congratulations on the completion of the Canadian Pacific Railway. Her Majesty has watched its progress with much

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<sup>14</sup> Wilson's Lord Strathcona, p. 209.







VIEW OF SEAL LIFE



DRIVING THE LAST SPIKE OF THE CANADIAN PACIFIC RAILWAY, NOV. 7, 1885  
The figures immediately behind Lord Strathcona are those of Sir William Van Horne  
and Sir Sandford Fleming

interest; and hopes for the future success of a work of such value and importance to the Empire.

“Melgund, Governor-General’s Secretary.”<sup>15</sup>

The train was then re-formed, and at 11 o’clock at night, in charge of Engineer Mills and Conductor James Trodden, after a lusty shout from the latter of, “All aboard for the Pacific,” the journey was resumed. Messrs. Marcus Smith, Major Rogers, H. J. Cambie, L. B. Hamlin, and W. H. Ellis, the correspondent of the *Colonist*, joined the party at this spot.<sup>16</sup> Port Moody was reached on the following day—November 8th. The dream of the centuries had become reality. The Northwest Passage had been found, not amid ice-floes and Arctic climate, but across the broad prairies, beside the winding rivers, and over the mountain wall, along a pathway familiar to the eyes of David Thompson seventy years before. It was particularly fitting that the last act should have been played by Donald A. Smith, who in his earlier years had been intimately connected with the fur trade, and who could be regarded as the representative of the McGillivrays, McTavishes, and other “Lords of the North” through whose exertions the riches of this western land were first made known.

The return journey was begun on November 11th. Between Port Moody and Kamloops, which was reached on the 12th, a speed of thirty-five miles an hour was frequently made. Winnipeg was reached on the 15th, and Montreal a few days later. The total cost of the railway (in money) to Canada was \$62,751,795.<sup>17</sup>

The first regular passenger train left Montreal on June 28, 1886, for the Pacific, two thousand, nine hundred and seven miles. It consisted of sleeping cars “Honolulu” and “Yokohama,” a diner, some day coaches, with a few freight cars and locomotive 373. Mr. Abbott’s private car was attached. Wm. Evans was engineer, and Mr. Barnbiant, conductor. Seventy passengers were carried from Montreal, some for way stations, but the greater number for the Pacific. Arriving at Winnipeg on July 1st, additional passengers and mail were

<sup>15</sup> Quarterly Review, January, 1887, p. 133.

<sup>16</sup> *Inland Sentinel*, Nov. 12, 1885.

<sup>17</sup> Statistical Year Book, 1901, p. 505.

received. At Kamloops, which it reached at 11 o'clock on the night of the 3rd, it was welcomed by bon-fires and a salute.<sup>18</sup> It arrived at Port Moody at noon on the following day—one hundred and thirty-seven hours from Montreal.

The first advertisement of the through trains on the Canadian Pacific Railway is reproduced on the opposite page.

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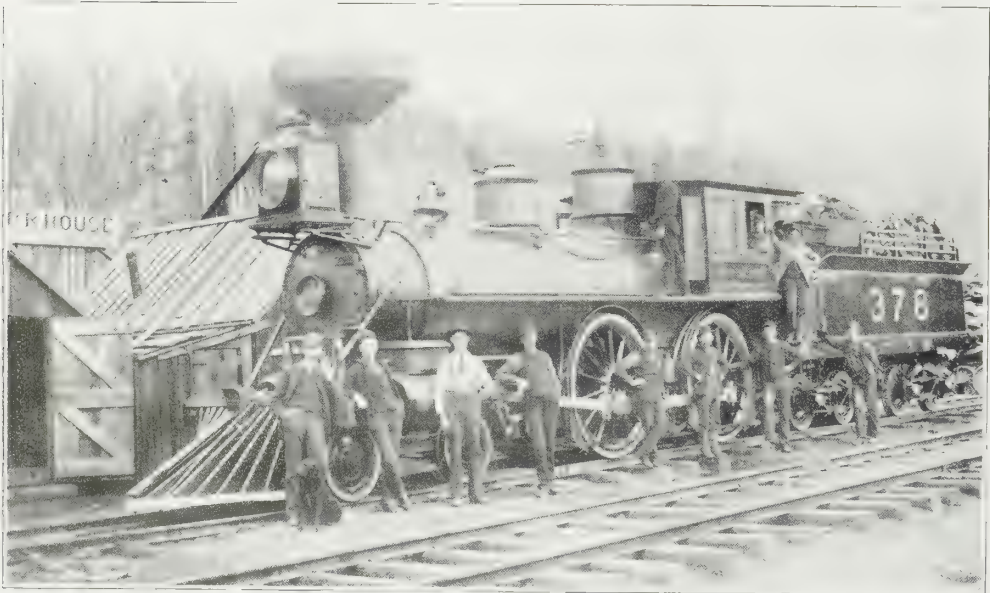
<sup>18</sup> *Inland Sentinel*, July 8, 1886.







POTLACH ON SONGHEES' RESERVE, VICTORIA



CANADIAN PACIFIC RAILROAD ENGINE BROUGHT FROM MONTREAL TO VANCOU-  
VER BY ENGINEER D. MacKENZIE IN 1886  
One of the first passenger engines put in service



FROM THE PACIFIC TO THE ATLANTIC.

-000-

OUR NATIONAL HIGHWAY

-000-

## The Canadian Pacific Railway

Is now open for Freight and Passenger Traffic and Trains are running through  
Between Port Moody, Winnipeg, Ottawa, Toronto, Montreal,  
Quebec, Halifax, St. Paul, Chicago, and All Points  
in Canada and the United States.

-000-

The Equipment of this line is ALL NEW and of the HIGHEST CLASS.  
Our Sleeping and Dining Cars are Luxurious and our 1st and 2nd Class  
Coaches Marvels of Comfort.

The Cuisine of our Dining Cars is unequalled, every luxury of the season is  
served in them.

We run the whole gamut of the Grandest Scenery in the World Mountains,  
Lakes, Streams and Prairie.

Smooth, well ballasted Steel Track. No Dust.

~~See~~ FREE SECOND CLASS SLEEPING CARS.

### Condensed Time Table.

Atlantic Express Leaves Port	} 13:00 o'clock. {	On arrival of C. P. Nav. Co.'s steamer from Victoria.
Moody Daily (except Monday)		
Arrive Winnipeg	17:10	do
do Port Arthur	11:45	do
do Ottawa	4:38	do
do Montreal	8:20	do
do Quebec	14:20	do
do Toronto	11:45	do
do St. Paul	7:30	do
do Chicago	7:00	do

Time through from Port Moody to Montreal, 137 Hours.

When going East purchase Tickets VIA CANADIAN PACIFIC RAILWAY.

Mark and Consign your Freight by this Line.

For Tickets, Sleeping Car, Berths, and all information, apply at Office of the  
Canadian Pacific Navigation Company, Wharf Street, Victoria, B. C.; or, C. P.  
R. Agent, Port Moody.

W. C. VAN HORNE, Vice Pres't.

H. ABBOTT, Gen. Sup't.

GEORGE OLDS,  
General Traffic Manager.

ROBERT KERR,  
General Freight and Passenger Agent.









JOHN MORTON WILLIAM HAILSTONE SAMUEL BRIGHOUSE

Came from England and settled here in 1862

First men to take up land in what is now Vancouver

## CHAPTER XXV

### THE EXTENSION OF THE C. P. R. TO VANCOUVER

The terminus of the Canadian Pacific Railway as fixed by statute was Port Moody, at the eastern end of Burrard Inlet. It was soon recognized on all sides that the railway could not end there. The site was not suitable for a city of magnitude. The distance from the entrance of Burrard Inlet was also a strong argument against Port Moody. The Smithe Government were desirous of extending the line to Coal Harbour, a point some twelve miles nearer the entrance, where a small town named Granville already existed. During the summer of 1884, Mr. Van Horne, the General Manager of the Canadian Pacific Railway Company, visited the province with the object of locating the terminus and, after a personal inspection, fixed upon the site at Coal Harbour. Negotiations looking to the extension to Coal Harbour or Vancouver, as it must hereafter be called, took place. As an inducement the Smithe Government agreed, on February 23, 1885, to grant to the company a tract of about six thousand acres and a number of lots in Granville.<sup>19</sup> Besides this magnificent grant for about twelve miles of railway, which, sooner or later their own interests would have compelled them to build, the company received from private owners a gift of one-third of their holdings. The area lying west of Burrard Street and now constituting the most valuable residential portion of the city—then known as Lot 184, was owned by William Hailstone, John Morton, and Samuel Brighthouse.

That the railway might reach English Bay had been considered possible, as far back as 1878. The Provincial Legislature had granted, by an act passed in 1880, a strip twenty miles wide on each side of the railway beginning at "English Bay or Burrard Inlet"

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<sup>19</sup> Sessional Papers, 1887, p. 322; Journals, 1886, p. 37.

in accordance with Article 11 of the Terms of Union.<sup>20</sup> But when the Dominion Government announced their intention of terminating the railway at Port Moody, the grant ceased to have any effect as regarded lands west of Port Moody. In May, 1884, a notice was given that these lands were no longer subject to the reserve placed thereon in 1878. But no sooner was this done than the public were notified that they would, nevertheless, not be open for sale or preëmption.

The 6,000 acres were made up as follows: Lot 526, containing 5,795 acres; Lot 541, containing 480 acres, and 39 lots in Granville townsite.<sup>21</sup> The lots in the townsite, like all other lands in the province, had been reserved from sale since 1871. They had also been reserved for railway purposes, and tentatively transferred to the Dominion. Upon some of these lots *bona fide* settlers had been resident for many years before the reserve was removed, but a large number were applied for immediately after May 10, 1884. The agreement with the railway company was subject to the rights of third parties, with the understanding that persons who had located in a *bona fide* manner on any of these thirty-nine lots should be entitled to purchase them for \$200.<sup>22</sup> Of the thirty-nine lots, all but eighteen were claimed by alleged *bona fide* locatees. The company admitted the claims of ten applicants, but refused all the rest. After an unsuccessful law-suit to obtain the lots, the rejected applicants took the question to the Legislature. A committee was appointed to investigate.<sup>23</sup> Its researches extended over a period of one month and convinced the House that some eighteen others were also entitled to the benefit of the agreement.<sup>24</sup> The railway company then reopened the matter and ultimately admitted and arranged the claims of nine of this number. The remaining nine claimants—Granville squatters—were allowed to arbitrate their claims, before the Hon. J. A. Boyd, Chancellor of Ontario. He heard the evidence at Vancouver during the summer of 1888. By his award in August, 1888, the claims of John Angus and William Mashiter were refused.<sup>25</sup>

<sup>20</sup> Statutes, B. C., 1880, c. 11.

<sup>21</sup> Journals, 1888, appendix, pp. XL to XLI.

<sup>22</sup> Journals, 1888, p. 17; Statutes, B. C., 1888, c. 14.

<sup>23</sup> Journals, Feb. 13, 1888; Feb. 17 to March 22, 1888. See Report in appendix to Journals, 1888.

<sup>24</sup> Sessional Papers, 1888, pp. 126, 127.

<sup>25</sup> Statutes, B. C., 1888, c. 14; Sessional Papers, 1894, p. 1143.

The large area embracing six thousand, two hundred and seventy-five acres was part of the land held under timber lease by the Hastings Sawmill Company, and upon which in the early seventies, five persons—Samuel Preston, Robert Preston, James Bone, J. L. Lockhart, and W. Mackie—had with the consent of the sawmill company obtained preëmptions. Four of these men had abandoned their preëmptions or allowed them to lapse. Almost as soon as the reserve was lifted, an effort was made to revive these abandoned interests. The prospective value of the land was becoming apparent and people were rushing in to obtain any flimsy claim on it. Some being refused permission to preëempt squatted upon portions of the timber limit; others endeavored to obtain preëmptions between the Indian Reserve on False Creek and the limit; and others claimed to have purchased certain alleged rights of some Indians to other pieces of land in the vicinity. None of these claimants were real settlers. It was merely a case of attempted land-jobbing. All these claims were referred to a Select Committee of the Legislature in 1885. Their investigations showed that, so far as the claims arising out of the transfer from the Indians was concerned, the document on which they were based was likely a forgery; that with regard to a number of the other claimants some compensation for their improvements might be made.<sup>26</sup> The claim which excited most interest was that of Samuel Greer. He claimed one hundred and sixty acres on English Bay alongside the Indian Reserve—the Kitsilano of the present day. It was a portion of the land embraced in the timber limit, which he first claimed under an alleged purchase from two Indians. This was disallowed by Chief Justice Sir Matthew Baillie Begbie, who pronounced the document a forgery. Greer then claimed the one hundred and sixty acres as being one of the abandoned preëmptions of which he had obtained a transfer in December, 1886.<sup>27</sup> Inasmuch as the agreement with the railway company was made in 1885 and the Crown Grant issued on February 13, 1886, this effort to revive the preëmption was futile. Yet he stuck to his guns. In 1888 another committee reported in his favour. The Government were firm in their resistance. His claim was brought up in the Legislature in 1889, again in 1890, and once again in 1894, but

<sup>26</sup> Journals, 1885, p. 80, and appendix, pp. I to xxxviii.

<sup>27</sup> Journals, 1888, appendix, pp. cxiii, cxxiii.



without avail.<sup>28</sup> Finally, about 1890, the railway company ejected him from the property. His name still survives in "Greer's Beach." In most instances the other claimants, though they failed to obtain the land, were reimbursed their improvements.

The Canadian Pacific Railway Company entered into a bond for \$250,000 to complete the extension to Vancouver by December 31, 1886. Construction was delayed for a considerable time by injunctions and other legal difficulties; but Mr. Van Horne stated emphatically that nothing would prevent the construction of the line and that unless the objecting land owners were willing to come to terms he would cause the line to be carried out into the inlet, round the places where it was blocked, and so circumvent his opponents.<sup>29</sup> Legally speaking, the railway ends at Port Moody—the extension to Vancouver being merely a branch. Vancouver was the natural terminus; and it would have been suicidal to pass over the distinct advantages it possesses in order that an unsuitable place, situated a few miles further up the inlet, should be chosen for that distinction simply because the Canadian Government, when they thought of building the railway, were content to quit the work as soon as they had brought it to tide-water. In spite of obstructions the first railway train in charge of Engineer Robert Mee reached Vancouver in May, 1887.

In December, 1887, the railway was brought into New Westminster.<sup>30</sup> For this branch of nine miles the company received a bonus of \$75,000 and free right of way.<sup>31</sup> The contract was awarded to James Leamy, who commenced the work on April 22, 1886. The occasion was marked by the presentation to the contractor of a decorated spade, which he received from the hands of Mrs. Dickinson, the wife of the Mayor.

With the knowledge that the railway would be extended to Coal Harbour, the villages of Granville and Hastings, which had depended for their existence upon the lumber industry, especially the mills at Moodyville and Granville, and had for years drawn out a sort of "Sleepy Hollow" existence broken only by the arrival of the lumber-carrying vessels, sprang suddenly into a new life. From

<sup>28</sup> Journals, 1889, p. 13; Journals, 1890, pp. 90, 91; Journals, 1894, p. 34.

<sup>29</sup> The Queen's Highway, p. 95.

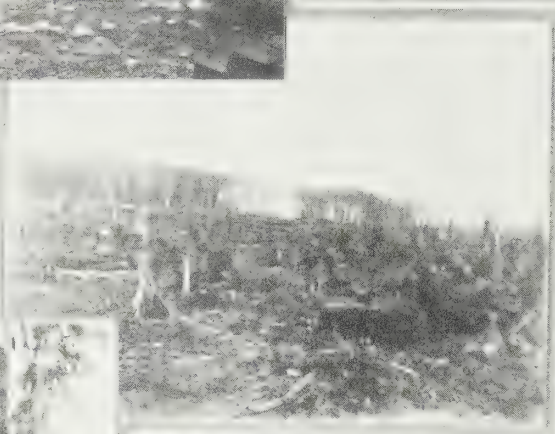
<sup>30</sup> Sessional Papers, 1887, p. 321.

<sup>31</sup> *Inland Sentinel*, April 29, 1886.

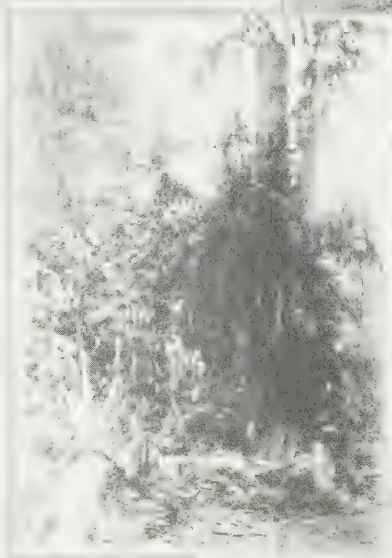




GRANVILLE  
BURRARD INLET  
1885  
NOW VANCOUVER



CLEARING AT GRANVILLE  
FOR SITE OF NEW TOWN  
1885  
VANCOUVER



AT GRANVILLE  
VANCOUVER  
1885



GRANVILLE

the outset great faith was shown in the future of Vancouver—the City of Imperial Destiny. It was incorporated on April 6, 1886. The election of mayor and aldermen was held in May. The candidates were M. A. McLean and R. H. Alexander. The former was successful by seventeen votes—two hundred and forty-two to two hundred and twenty-five. By June, 1886, the population numbered about two thousand. The site was heavily timbered; the work of hewing out a city, enormous. Amidst the jumble of charred logs and blackened stumps the city gradually took shape, elbowing its way steadily and surely into the primeval forest. On Sunday, June 13, 1886, a heavy wind sprang up, which, increasing in velocity, fanned the fires that had been lighted to clear portions of the site. Soon the flames driven by the gale and fed by vast quantities of fallen timber, rendered almost as dry as matchwood by the summer heat, swept down upon the city. Amongst the light wooden buildings it spread with great rapidity. In a few minutes the whole city was ablaze. The only fire-fighting apparatus, a small steam affair, was useless. The inhabitants fled for their lives, taking refuge on the waters of the inlet. In less than two hours nothing but ashes covered the terminal city. Of the deeds of bravery and self-denial, perhaps none was greater than that of Harry Berry, the manager of the Transfer Company, who, remembering that some twenty casks of powder were stored in his warehouse, hitched up a team and covering it with wet blankets hauled it out and dumped it into False Creek. The Hastings Sawmill, and one or two isolated buildings, alone remained. Assistance poured in from every side; and, nothing daunted, the people, before the ashes were cold, set themselves to the task of erecting a new, a finer, and a grander city. A visitor who reached the city six weeks after its destruction says: "I never saw such enterprise amidst so much desolation. It was enough to make one feel heartsick and sorrowful to note the effects of the disaster. \* \* \* Everywhere I saw signs of enterprise. 'The old hath gone; let the new arise,' seemed to be the motto of the people, who, instead of falling into lethargy or bemoaning their fate, were one and all bestirring themselves with an energy and a spirit that was little short of heroic."<sup>32</sup> By September, 1886, the city boasted a daily paper—the *News*,—and two weeklies. The construction of the Vancouver

<sup>32</sup> The Queen's Highway, pp. 51, 52.



Hotel—a four-story brick structure, containing one hundred rooms, was begun in the fall of 1886.

Within two years the population numbered eight thousand; eighteen miles of graded streets and twenty-four miles of excellent sidewalk had been laid; sewerage had been installed; wharves, docks, warehouses, foundries, factories, and public institutions had been established; and an excellent waterworks system completed.<sup>33</sup> In 1888 a charter was obtained for a street car service; this was the root from which the British Columbia Electric Railway grew. And in the advancement of the city of Vancouver and the surrounding district no factor has been more potent than the unexcelled service of this company—a service which has kept pace most remarkably with the wonderful development of the district.

Every traveller to our shores has wondered at the phenomenal growth of Vancouver and has usually left on record his opinion of her future. Writing in 1889, Henry T. Fink says: "A European could hardly be made to believe that this city of ten thousand had grown up in four years in the midst of a gloomy forest of firs. What strikes the observer is not so much the number of the buildings as their appearance—solid, substantial granite and brick buildings four to five stories high, and many of them of real architectural merit and individuality—buildings such as are usually only seen in cities of one hundred thousand inhabitants."<sup>34</sup> Professor Blaikie of Edinburgh, after his visit in 1889, said: "And much though I have been used to the sight of cities of rapid growth, I must say that Vancouver beats them all. It is already a city of long streets, big blocks, handsome churches, and elegant villas."<sup>35</sup>

Edward Roper, F. R. G. S., who visited Vancouver shortly after the fire, gives a description of the city and adds: "Such was Vancouver when we saw it, and it made one feel proud to be a Briton to own as fellow-countrymen this enterprising people who had made such a city, in such a place, in just one year."<sup>36</sup> Sir Henry Edwards, who was here in 1889, speaking of Vancouver, says: "It seems to have grown by magic. There are five schools and four large churches, and I saw the design for a very pretty opera house that is to be

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<sup>33</sup> By Track and Trail, chaps. XIX and XX.

<sup>34</sup> The Pacific Scenic Tour, p. 251.

<sup>35</sup> Summer Scenes in the Far West, p. 119.

<sup>36</sup> By Track and Trail, p. 192.

erected next spring. There is a beautiful natural park reserved. We drove through it and admired the fine trees for at least nine miles over a good road. I think there is a great future for Vancouver; it is beautifully situated, commanding charming views. Rising directly from the sea is a beautiful group of the Cascade Mountains, and there is a fine harbour, suitable for ocean steamers, and will be the highway to Japan and China.”<sup>37</sup> W. S. Caine, M. P., visiting the city in 1887 says: “Extensive wharves and warehouses line the shore, and ocean-going steamers of three thousand or four thousand tons can load and discharge there. The main street is full of handsome shops, and there is a busy, hardworking population of four thousand souls, mostly men. Vancouver will be a town of twenty or thirty thousand population before it is ten years old.”<sup>38</sup> Charles Dudley Warner, speaking of Vancouver as he saw it in 1888, says it “is already an interesting place of seven to eight thousand inhabitants, fast building up, and with many substantial granite and brick buildings, and spreading over a large area.” He adds: “Vancouver would be a very busy and promising city merely as the railway terminus and the shipping point for Japan and China and the East generally. But it has other resources of growth. There is a very good country back of it, and south of it all the way into Washington Territory.”<sup>39</sup>

But the opinion which rises almost to the heights of prophecy is that of Douglas Sladen, the Australian author. It is such an exact sketch of conditions as they now exist that it seems to serve far better than any description of the growth of the city which might be attempted. Writing in 1889, Sladen says: “I fancy that I can see Vancouver when her hour has come, as Melbourne’s came. Great docks lined with ocean steamers fill the mouth of the False Creek, and front the future terminus of the Canadian Pacific Railroad, in the heart of their broad transpontine grant, on which the tall forest primeval will have given place to the huge chimneys of the manufacturing factories of machinery, furniture, cottons, refined sugar, woodware, hardware, fruit canneries for the produce of the Fraser delta, smelting furnaces for the reduction of the iron and copper ores of the

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<sup>37</sup> *Two Months’ Tour in Canada*, p. 32.

<sup>38</sup> *A Trip Round the World*, p. 118.

<sup>39</sup> *Studies in the South and West*, pp. 449, 450.

islands, sawmills, foundries, yards for building and repairing the iron shipping of the Pacific, and a score of other industries at present unguessed. I see the whole delta of the Fraser and its tributaries one vast orchard and hop-garden, smiling like Kent or Sussex. I see the residences of the well-to-do crowded out of the narrow limits of the peninsula, and spreading, some down the opposite side of Burrard Inlet from Moodyville to Howe Sound, some through a chain of suburbs, replacing with their neat gardens the whole forest between Vancouver and New Westminster. Street railways, suburban railways, and many ferry-boats give rapid communication with the heart of the city—the original city on the peninsula, where are the cathedral, some of the finest churches, the finest hotels, the clubs, the theatres, the banks, the wholesale warehouses, the boarding houses, the Broadway and Fifth Avenue, the Fourteenth and Twenty-third streets, with their magnificent stores—a part of the city too expensive for ordinary folks to have houses there, not private or select enough for the very rich, except in the remoter part facing English Bay, with its fine sandy beach and its proximity to the park. But many of the very wealthy prefer to have villas on what plateaux can be found amid the precipitous shores of that peerless fiord, the North Arm, or on the foothills of the grand mountains which line the north side of Burrard Inlet—the north side made beautiful by its avenue miles long, alongside of the water, and planted with beautiful maples, whose carmine leaves in the fall show up gloriously against the dark spruce and cedar of the original forests. Nothing could be finer than the City Park in the twentieth century. Following the water a drive of ten miles encircles it. Round the water's edge are growing famously the maples, sumach, cherries and oaks, birches and poplars planted to make it brilliant green in spring, and brilliant flame colour in the fall. The forest is left untouched, with its stately trees, its mighty ferns, its hanging mosses.

"Pleasant paths for lovers to ramble in the summer shade are cut into its sylvan recesses, and in it roam all the wild animals and birds of the country that are not dangerous to man, introduced and habituated with infinite trouble, and protected from wantonness by public opinion. There are other parks in various parts of the city, and a superb athletic ground, where, by the influx of English and Australians, cricket is restored to its legitimate place of pride.

Between the city and the great cannery and sawmill town of New Westminster is a fine race track, called Flemington by the enthusiastic Australians, who got it up to console them for their distance from Melbourne. At the very highest point of the peninsula stands the finest building in the city—the magnificent Episcopal cathedral of the united diocese (united much to the disgust of Westminsterians) of Vancouver and New Westminster; and not far off is its rival in popularity and opulence—the rebuilt St. Andrew's Presbyterian church.

"Burrard Inlet is full of shipping. Its wharves are lined with local passenger steamers, with ships from Portland, Tacoma, Seattle, Victoria, Nanaimo, Alaska, and the like, concentrating at Vancouver the local trade of the Pacific; while out on its deep bosom lie two or three British men-of-war, easily recognizable by their upright masts and grim solidity, even if they were not flying the white banner of St. George; and between them and the shore are a crowd of yachts. Most of the wealthy merchants living up the North Arm or on English Bay have their smart steam yachts. And the residential and shopping streets are full of handsome carriages, and the business streets are blocked with street railways and wagons and cabs; and there goes up to heaven the mingled echo, joyous and mournful, eager and indolent, of three hundred thousand of earth's voices to show where the most untiring of commercial nations has at last found the Lion's Gate to the Western Pacific."<sup>40</sup>

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<sup>40</sup> On the Cars and Off, 1895, pp. 380-4.





## CHAPTER XXVI

### POLITICS AND GENERAL EVENTS FROM 1883 TO 1892

#### SMITHE GOVERNMENT (CONTINUED), A. E. B. DAVIE GOVERNMENT, AND ROBSON GOVERNMENT

After the settlement of the disputes with the Dominion, calm prevailed. It was a period of steady growth. The railway construction then in progress brought in its hand the blessings so long desired. Farming, in the Fraser valley especially, made rapid advances under the incentive of a good market. In 1885 the Smithe Ministry, owing to this development, increased to three members, the representation of New Westminster District; but in order to retain the balance of power between the two sections—a principle as strong as in the broader field of European politics—another member was given to Cowichan. Thus the Legislature was increased to twenty-seven members, of whom fourteen were from the mainland and thirteen from the island.

In 1883 the Smithe Government began a policy of granting public lands in aid of the construction of railways and other public works—a policy which expanded from year to year under successive governments and one, the ill-effects of which though now scarcely felt, will be far more apparent in the future. It must, however, in justice, be added that in that era of annual deficits, land was the only asset the province had to grant as a bonus, unless a policy of borrowing money to be given to such companies were adopted. A grant of seven hundred and fifty thousand acres on Kootenay Lake and the Columbia River was made to the Columbia & Kootenay Railway Company on condition that the company would construct before the end of 1886, a narrow gauge railway from the outlet of Kootenay Lake to the junction of the Kootenay and Columbia rivers and place a line of steamers in operation between the latter point and Revel-

stoke.<sup>41</sup> The grant was to include the minerals and would thus have covered the rich silver-bearing ledges of the Slocan and Nelson districts. Fortunately the company failed to perform the work; its grant lapsed and its deposit of \$25,000 was forfeited.<sup>42</sup> Mr. W. A. Baillie-Grohman also came forward with a scheme in 1883. In consideration of a grant of forty-eight thousand acres of rich alluvial lands lying along the Kootenay River between Bedlington and Kootenay Lake, he undertook to build a canal across Canal Flat (the McGillivray Portage of David Thompson). By this means it was hoped to turn the Kootenay River into the Columbia and thus effect the reclamation of these lands from overflow during the freshets. The Columbia Lake, being eleven feet lower than the Kootenay River, the task seemed simple. The canal was, as originally planned, merely a big ditch forty-five feet in width and six thousand, seven hundred feet in length. But the Federal Government, fearing that its effect might be to endanger the line of the Canadian Pacific Railway, required that a lock be inserted. For this extra work Mr. Grohman was to receive thirty thousand acres of picked land in the Upper Kootenay Valley. As a part of the scheme Mr. Grohman undertook to place a ten ton steamer on the Kootenay River, and in accordance therewith the little steam launch *Midge*, the first vessel on those waters, was imported from England. The canal was completed about 1888 and within twelve months the Legislature voted \$2,500 to close it up.<sup>43</sup> In 1883, while the Canadian Pacific Railway was under construction in the Columbia region, an act was passed authorizing a grant of sixty thousand acres of land in Yale and Kootenay districts to Gustavus Blin Wright for the building of a wagon road twelve feet wide, known as the Eagle Pass Wagon Road from Shuswap Lake to the Columbia River. The celebrated Ainsworth family of Portland, Oregon, were interested in this scheme, as well as in the Columbia & Kootenay Railway. The road was built.<sup>44</sup> It was used for the conveyance of contractors' material for railway construction from Eagle Pass Landing, but when it had served this temporary purpose its usefulness was gone. Today its

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<sup>41</sup> 1883, Statutes, c. 25.

<sup>42</sup> Journals, 1888, p. 2.

<sup>43</sup> Journals, 1887, p. 17; Sessional Papers, 1887, p. 316; Sport and Life, chaps. x, xi, xii, and xiii.

<sup>44</sup> The Western Avernus, p. 127.

very location is unknown. Nature has reasserted herself and covered the scar of man's work. Its terminus is another of our deserted villages.

In 1885 Granite Creek, which flows into the Tulameen, or North Fork of the Similkameen, came into sudden prominence as a placer mining camp. The vicinity had been found to be auriferous in 1860, but the miners had scarcely begun to spread along the Similkameen when the news of rich strikes on Keithley, Antler, and Williams creeks completely depleted it of white miners. The plodding Chinese, however, remained, and worked on the bars of the Similkameen for years. Yet these people did not discover the riches of Granite Creek. Indeed, it may be said, with more than a modicum of truth, that the Chinaman is never a prospector. Though inordinately fond of gambling, his love therefor does not reach to the extent of spending his days in searching for mining ground; he always prefers to work where the preceding efforts of the white man have shown that gold exists.

Granite Creek is about twenty-five miles in length, but the portion which attracted attention in 1885 was the last five miles of its course. Over the Hope Mountains, with toboggans and snow-shoes, men crowded into the new mines early in 1885. The whole of the five miles was staked. By October, sixty-two companies were at work. The Point Company obtained \$750 as the result of eight men's work for thirty hours; another—Briggs & Bromley—\$400 in one afternoon. With the gold there was found a very hard, heavy, whitish metal, which was thought to be either platinum or iridium. Further examination proved it to be the former, and for years the Tulameen produced this rare metal in considerable quantities—in 1891, \$10,000; in 1892, \$3,500; in 1898, \$1,500. During 1885 Granite Creek boasted from four hundred to five hundred white miners and from one hundred and fifty to two hundred Chinese. At the mouth of the creek a little town sprang up, containing seven stores (three of which were kept by Chinese), two restaurants, two saloons, and a butcher shop.<sup>45</sup>

The magnified reports of the Granite Creek mines caused an impetuous inrush in the spring of 1886. But it was a wild rush in, and a sad rush out. When Major Downie was there in June, as he was ascending the Tulameen from Allison's, he met returning prospectors

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<sup>45</sup> Elwyn's Report, Nov. 23, 1885, in *B. C. Gazette*, 1885, p. 423.



all the way. "I have never seen," he says, "so many disgusted and discouraged men in all the gold excitements I have been in since '49." The miners now extended their operations to Boulder Creek. There they found shallow ground, but it only paid poor wages at best. Collins' Gulch gave better results for a short time. Cedar Creek was tried; the returns were disappointing. Near the head waters of the Tulameen a number of companies were engaged during that season, some sinking, others wing-damming. The great majority had only their labour for their pains, though, now and again, nuggets from \$25 to \$93 were found. Slate Creek, another branch of the Tulameen, yielded \$4 to \$5 a day to the man.<sup>46</sup> On the whole, Granite Creek never paid wages. The excitement was just a flash in the pan; the white miners abandoned the territory at once; the Chinese, however, remained, gleaning a precarious livelihood.<sup>47</sup> Soon even they abandoned the district and it relapsed into its pristine state. During 1890-96, a number of hydraulic mining companies tried by that means to obtain the placer gold of Granite Creek and Tulameen, but their story was a mere repetition of the early miners' experiences: the returns never repaid the outlay.

In June, 1886, the Fourth Legislature was dissolved. The elections followed in July. The cry of the opposition was against the "give-away" policy of the Government. It was charged that they had given away the Graving Dock, 3,500,000 acres in the Peace River country, 1,900,000 acres on Vancouver Island, 750,000 acres in Kootenay, 60,000 acres for a useless road, 30,000 acres for a worse than useless canal, and 6,000 acres for an extension which the railway company would be obliged to make for its own protection. Each of these different matters has been already explained and the extenuating circumstances shown. The country seemed satisfied that value had been obtained. The Government was returned with about nineteen supporters in a House of twenty-seven. The Hon. Mr. Duck, who in March, 1885, had taken the office of Minister of Finance and Agriculture, went down to defeat in Victoria City. In October, the Hon. Mr. Robson resumed this portfolio which he had held from the formation of the Government until Mr. Duck entered the Cabinet.

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<sup>46</sup> Hunting for Gold, pp. 283-7.

<sup>47</sup> Downie's Report, Aug. 6, 1886, in *B. C. Gazette*, 1886, p. 281.





LEGISLATIVE ASSEMBLY, 1882, FOURTH PARLIAMENT



LEGISLATIVE ASSEMBLY, 1886, FIFTH PARLIAMENT



LEGISLATIVE ASSEMBLY, 1890, SIXTH PARLIAMENT



The members of the Fifth Legislature as elected were: Victoria City, Robert Beaven, E. G. Prior, J. H. Turner, and Theodore Davie; Esquimalt, C. E. Pooley and D. W. Higgins; Cowichan, Wm. Smithe and Henry Croft; Nanaimo, Robert Dunsmuir and William Raybould; Comox, A. M. Stenhouse; Victoria District, Robert F. John and G. W. Anderson; New Westminster City, William Norman Bole; New Westminster District, John Robson, William H. Ladner and James Orr; Yale, Chas. A. Semlin, Forbes G. Vernon, and George B. Martin; Lillooet, A. E. B. Davie and Edward Allen; Cassiar, John Grant; Kootenay, Col. James Baker; Cariboo, Joseph Mason, Robert McLeese and George Cowan.

On the death of Mr. Raybould, Mr. George Thompson was elected in December, 1886, as junior Member for Nanaimo.<sup>48</sup>

In February, 1887, Mr. Hugh Nelson, who since 1879 had been one of the Senators for British Columbia, succeeded the Hon. C. F. Cornwall as Lieutenant-Governor.

Owing to failing health, the Hon. Mr. Smithe had been unable to take his seat during the session of 1887, which opened on January 24th. He died about March 28, 1887. During the fifteen years—1872 to 1887—in which he was a member of the Legislature he represented the same constituency, Cowichan. On his death, the Ministry was reconstituted as the A. E. B. Davie Government.

#### A. E. B. DAVIE GOVERNMENT, 1887-1889

The members were: Hon. A. E. B. Davie, Premier and Attorney-General; Hon. John Robson, Provincial Secretary and Minister of Finance and Agriculture; Hon. F. G. Vernon, Chief Commissioner of Lands and Works.

The session ended on April 7th and on August 8th there were added to the Government: Hon. Robert Dunsmuir, President of the Council, and Hon. J. H. Turner, Minister of Finance.

We are now in a period of comparative tranquillity. All the railway and Graving Dock troubles are over, and the works themselves completed. Population now began to increase rapidly. The city of Vancouver was fast climbing into the proud position of the first city—the mercantile centre—of the province. Capital was flow-

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<sup>48</sup> Journals, 1887, p. xv.



ing into the country; new industries were springing up, and old ones increasing in importance. Upon Vancouver Island, the rich farming districts of Saanich, Cowichan, and Duncans were being settled up. The coal mines at Nanaimo and Wellington were increasing their output: In 1874, 81,000 tons were mined; in 1879, 241,000; in 1887, 413,360. Nanaimo had become a flourishing town of three thousand inhabitants.<sup>49</sup> The superior attractions of Victoria, her balmy climate, fine scenery, and splendid situation were drawing to her a fair share of the prosperity. Signs of the future commercial greatness of the Canadian Pacific Railway soon appeared. On October 17, 1886, the German steamer *Bylgia* arrived at Port Moody, twenty-two and a half days from Yokohama, with the first cargo of tea for overland shipment. In September, 1887, Lord Salisbury, on behalf of the Imperial Government, agreed to the proposal of Sir John A. Macdonald for granting to the Canadian Pacific Railway a subsidy amounting to \$220,000 per annum, for a bi-monthly mail service between Hong Kong and Montreal.<sup>50</sup> With the advent of settlers, whose journey to the province was a mere pleasure jaunt of five or six days over the new railroad, the public lands, especially upon the mainland, which for years had been lying idle, began to be occupied, particularly in the vicinity of the railway. Municipalities were formed, and towns and villages arose in every direction.

In 1887, to encourage the construction of a railway into the Okanagan country, a bonus of \$200,000 was granted to the Shuswap & Okanagan Railway Company, a subsidiary company to the Canadian Pacific Railway Company. This aid was, in 1890, altered to a guarantee of interest at four per cent for twenty-five years on \$1,250,000, the estimated cost of the line.<sup>51</sup> This railway, which is about fifty miles in length, connecting the Canadian Pacific at Sicamous with Okanagan Landing on Okanagan Lake, was constructed in 1892. It opened up one of the finest agricultural districts of the interior, and gave a great impetus to the growth of Vernon, the chief town of the region.

To succeed the late Hon. Mr. Smithe, Mr. Henry Fry was elected. Mr. Stenhouse, the member for Comox, having resigned, the Hon.

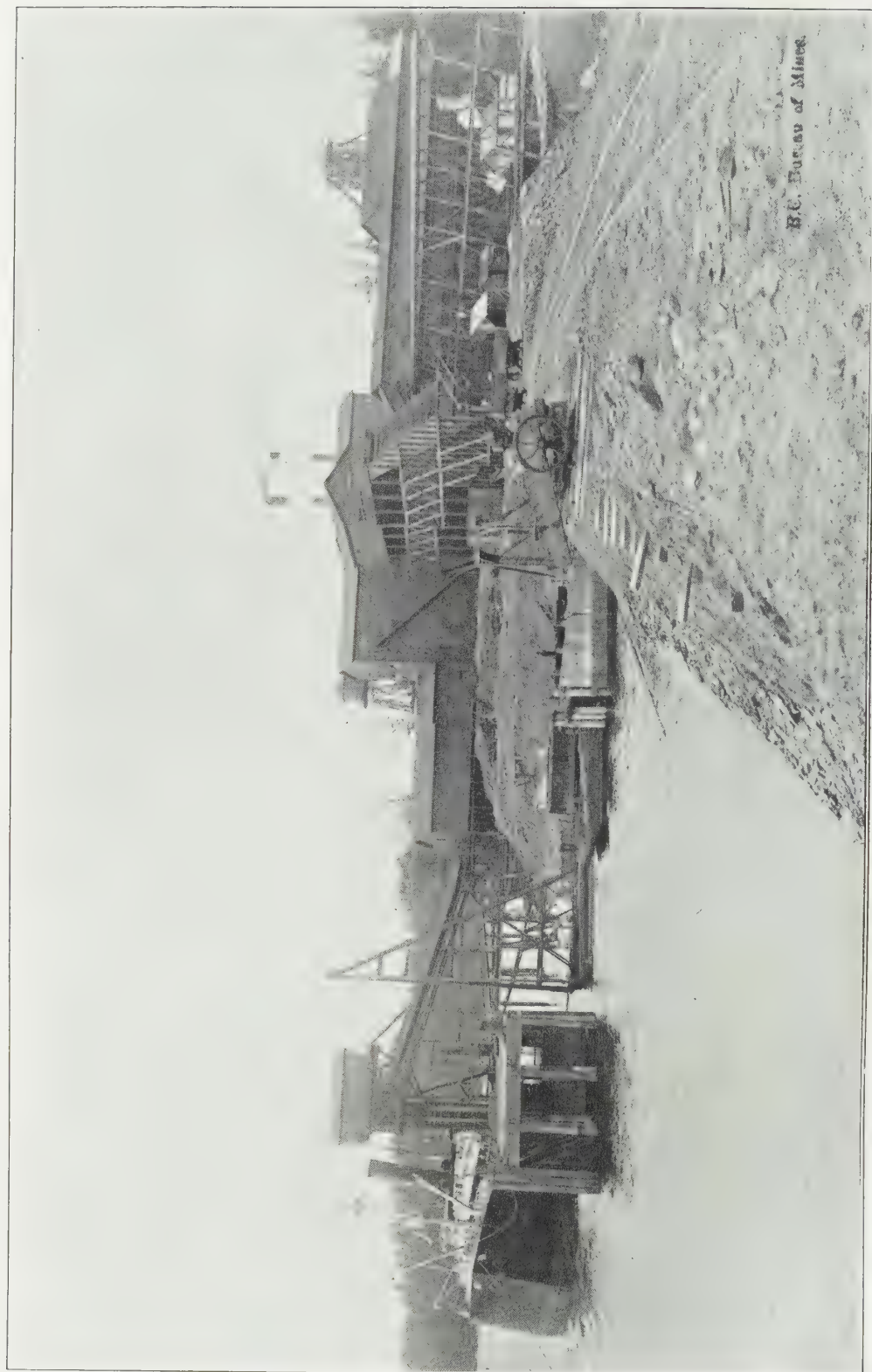
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<sup>49</sup> Mining Report, 1893, p. 548.

<sup>50</sup> *Victoria Colonist*, Sept. 15, 1887.

<sup>51</sup> Statutes, B. C., 1890, c. 42.





B.C. Bureau of Mines

WESTERN FUEL COMPANY'S NORTHFIELD MINE, BRECHIN

Thomas B. Humphreys, who had been out of politics since the defeat of the Beaven Government in 1883—through no fault of his, however—was elected in his stead. Mr. E. G. Prior, one of the members for Victoria City, resigned and in January, 1888, Mr. Simeon Duck was chosen as his successor. With these changes the Assembly met on January 27, 1888. It was not long, as his former conduct would lead us to expect, before Mr. Humphreys was creating a disturbance. Immediately upon taking his seat, which he did without the usual formality of introduction, he brought forward a resolution charging the Hon. Robert Dunsmuir, President of the Council, with disloyalty in some remarks alleged to have been made by him to a reporter in Portland, Oregon, and published in one of the newspapers there. A Select Committee was appointed to investigate, but Mr. Humphreys failed to appear to support his charges and, Mr. Dunsmuir having stated that the report was untrue, the matter dropped. It had served Mr. Humphreys' purpose—to bring himself prominently before the public.<sup>52</sup>

The Dominion elections were held in February, 1887, and resulted as follows: Victoria, E. Crow Baker and Noah Shakspeare; Vancouver (Island), D. W. Gordon; Yale, J. A. Mara; New Westminster, D. Chisholm; Cariboo, James Reid.<sup>53</sup>

On Mr. Mara's entrance into Dominion politics, Mr. C. E. Pooley became Speaker of the Legislature.

On the night of July 26, 1888, the steamer *Beaver*—a vessel whose story is a great part of the history of British Columbia—ended her eventful and chequered career, upon the rocks at Prospect Point, near the entrance to Vancouver harbour. Her unique position for many years as the only steam vessel on this coast gained her considerable historical prominence. From the service of the Hudson's Bay Company she passed into that of the Government as a survey vessel. Pushed into the background by the advent of larger and speedier craft, the *Beaver* was sold by the company and became a general freight and tow boat. Her strange model, with paddle wheels placed far forward, gave her an ancient and out-of-date appearance, and made her an object of curiosity as well as of historical interest. Yet such choice material had been used in her con-

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<sup>52</sup> Journals, 1888, p. 24 and ci.

<sup>53</sup> Canadian Parliamentary Companion, 1887.



struction, and so well put together, that at the end of her busy life of over fifty years she was apparently as strong as when on that May day in 1835 she slid from the ways at Blackwall, the admired of all beholders. The remains of this pioneer of the Pacific lay on the rocks till June, 1892, when she quietly rolled over to her rest in deeper water, just a hundred years from the time when the first white man's boat in charge of Captain George Vancouver had passed that spot.

During the sessions of 1888 and 1889, the Government retained its majority of nine or ten. There were no controversial subjects, except the policy of land grants to railways, and there the Government had the support of many of the opposition. The old Kootenay & Columbia Railway and Navigation scheme of 1883, which had ended in failure in 1887, was revived in 1889 and 1890.<sup>54</sup> It provided for a bonus not exceeding two hundred thousand acres for the construction of a railway from Nelson to the Columbia River, with a line of steamers on Kootenay Lake and the Columbia River. The railway was completed in 1891 and, in connection with the steamers, gave access to the mining region of Kootenay, then coming into prominence. When the legislation was before the House only three members opposed the grant. In the session of 1889 a charter was granted to the Canadian Western Central Railway Company for a railroad from the eastern boundary of the province *via* Tête Jaune Cache, Cariboo, Chilcotin, and Bute Inlet to connect with the Esquimalt & Nanaimo Railway.<sup>55</sup> This was a revival of the original scheme of the Canadian Pacific Railway. A bonus of twenty thousand acres a mile passed the House without a division.<sup>56</sup> The scheme, however, fell flat. At this session, two new members took their seats, Mr. James Tolmie and Mr. Ithiel B. Nason, succeeding Mr. John and Mr. McLeese.<sup>57</sup>

On April 12, 1889, the Hon. Mr. Dunsmuir, the President of the Council, died. He was a pioneer of the pioneers. He came to the Colony of Vancouver Island, in December, 1851, to work in the coal mines which the Hudson's Bay Company were opening near Fort Rupert. Upon their abandonment, in 1852, Mr. Duns-

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<sup>54</sup> Statutes, B. C., 1889, c. 21; 1890, c. 41.

<sup>55</sup> Statutes, B. C., 1889, c. 20.

<sup>56</sup> Journals, 1889, pp. 76, 78.

<sup>57</sup> *Id.*, p. 2.





CAMP AT McEVY FLATS, GROUNDHOG COALFIELD



GROUNDHOG MOUNTAIN, TRAIL OVER SUMMIT IN MID-SUMMER

muir removed to Nanaimo, where the company had commenced coal mining. He opened for them the Douglas, the Dunsmuir, and the Park pit-heads. Soon he began to raise coal by contract with the company. Upon the transfer of the mines to the Vancouver Coal Company about 1862, Mr. Dunsmuir went into the Harewood mine with Captain Lascelles of H. M. S. *Forward*, but the venture proved a failure. After endless searching on his own account he discovered, accidentally, the Wellington mine near Departure Bay. Lieutenant Diggle, of H. M. S. *Grappler*, Captain Egerton, and Admiral Farquhar supplied the greater part of the capital, Mr. Dunsmuir furnishing the experience and managing the mine.<sup>58</sup> It was successful from the commencement. One by one, Mr. Dunsmuir bought out his partner's interests, the last being Lieutenant Diggle, for whose share he paid, in May, 1883, \$750,000 or \$800,000. He soon became very wealthy, and at his death was the richest man in British Columbia. Just before his death he had taken steps to open the Comox coal mines. His share in the building of the Esquimalt & Nanaimo Railway has been mentioned. The immense land grant, which included the coal measures, added greatly to his wealth. "He was neither a politician nor a statesman, judged by the usual standard of what constitutes a success as such, but he was a very practical, hard-headed and level-headed legislator who knew what he wanted and usually took the shortest road to its accomplishment."<sup>59</sup>

On July 31, 1889, the Hon. A. E. B. Davie, the Premier, died. He was then in his prime—only 41 years of age. Born in England, he had arrived in Victoria with his parents in 1862. He was admitted to the bar of the province in 1873. For some years prior to 1874, he was Law Clerk of the Legislature. Elected for Cariboo in 1875, he was defeated on accepting the office of Provincial Secretary in the Elliott Government. At the time of his death he was recognized as one of the foremost lawyers, though his entry into the Smithe Ministry, in 1883, had taken him out of active practice.<sup>60</sup>

The New Westminster Southern Railway from Blaine, in the State of Washington, to New Westminster, a distance of twenty-two miles, was built in 1889, without any bonus or aid. It is one of the

<sup>58</sup> *News Advertiser*, June 26, 1910.

<sup>59</sup> Biographical Dictionary, p. 153.

<sup>60</sup> Biographical Dictionary, p. 139.



few railways that did not receive a grant of some sort of Government assistance. It subsequently passed into the control of the Great Northern Railway and forms a part of that system.

#### ROBSON GOVERNMENT, 1889-1892

In August, 1889, the Ministry was again reorganized under the name of the Robson Government. Hon. John Robson, Premier, Provincial Secretary and Minister of Mines; Hon. F. G. Vernon, Chief Commissioner of Lands and Works; Hon. J. H. Turner, Minister of Finance; Hon. Theodore Davie, Attorney-General; Hon. C. E. Pooley, President of the Council.

Mr. D. W. Higgins became Speaker upon Mr. Pooley's accepting the unsalaried seat in the Cabinet.

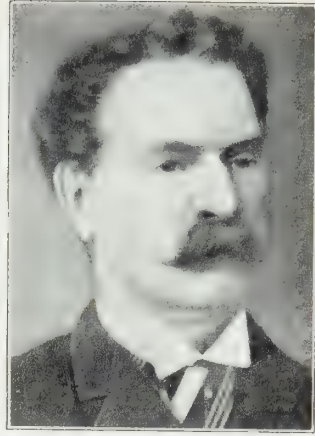
Lord Stanley of Preston, the Governor-General of Canada, visited the province in October, 1889. At Vancouver, which had then become the terminus of the railway, he was enthusiastically welcomed as the first Governor-General whom it had had the honour to entertain. Included in the programme were the presentation of numerous addresses, a reception and a ball, and a drive through the magnificent park, which in his honour was named Stanley Park. From Vancouver, Lord Stanley accompanied by Lady Stanley and his suite, sailed for Victoria in H. M. S. *Amphion*. While in that city their Excellencies were the guests of Lieutenant-Governor Nelson. After a visit of five days, which were fully occupied with public functions, the return journey was commenced on November 6th on H. M. S. *Amphion*. During a dense fog, the *Amphion* struck on a rock and was so severely injured that it was only with difficulty that the vessel was brought into Esquimalt Harbour and placed in the dry dock. A short delay was occasioned by this mishap. Returning to the mainland, New Westminster was visited. Here, too, the usual arches and loyal demonstrations welcomed the Vice-regal party.

The session of 1890 saw the Robson Government entering wholeheartedly into the bonusing of railroads. By a general act the Government took power to grant twenty-thousand acres per mile to each of the following railways: The Crow's Nest Pass & Kootenay, which had a charter granted in 1888 to build from the junction of





A. E. B. DAVIE  
(1887-9)



JOHN ROBSON  
(1889-92)



J. H. TURNER  
(1895-8)



C. A. SEMLIN  
(1898-1900)



JOSEPH MARTIN  
(March 1st to June 14th, 1900)



E. G. PRIOR  
(1902-3)

PREMIERS OF BRITISH COLUMBIA

Summit Creek with Michel Creek in East Kootenay to a point on Kootenay River near the junction of Goat Creek; to the Ashcroft & Cariboo, incorporated in 1890 to connect these two points; to the Okanagan & Kootenay, incorporated in 1890 to connect Sproat's Landing in Kootenay, with Vernon, the real terminus of the Shuswap & Okanagan Railway; to the Canadian Pacific Railway for a line from Revelstoke *via* Nelson to the Lower Kootenay River to connect with the Crow's Nest Pass & Kootenay. These railroads were also to be entitled to five per cent on the net proceeds of any mines found upon the lands so to be granted.<sup>61</sup> Even with these liberal offers not one of these railways was constructed. The Crow's Nest was built later and under different terms; the two latter were partly constructed under different arrangements.

The growth of the province since the completion of the railway, the increase in the relative importance of various sections, especially Vancouver City and Kootenay, where, during the past two or three years, the first scientific attempts at lode mining had been undertaken, necessitated a readjustment of the representation in the Legislature. In 1890, the Robson Government accordingly passed a redistribution bill whereby the membership was increased from 27 to 33, of whom 17 were to be elected from the mainland and 16 from the island. In detail, the representation was: On the mainland, Cariboo 3, Lillooet 2, New Westminster City 1, New Westminster District 3, Yale 3, Kootenay 2, Cassiar 1, Vancouver City 2; on the island, Comox 1, Cowichan 2, Esquimalt 2, Nanaimo District 2, Nanaimo City 1, Victoria City 4, Victoria District 2, Alberni 1, The Islands 1.

The Fifth Legislative Assembly was dissolved on May 10, 1890. The elections were held in June. The chief issue discussed during the campaign was the redistribution bill. But in these discussions the cry of "Mainland vs. Island," which unfortunately had had a prominent place in every previous election, was no longer heard. Not that the rancorous feelings and insane local jealousies had absolutely vanished. The change was to a very large extent the result of the increase in population; the new arrivals had no interest in, or knowledge of, the past events which had fostered this sectional feeling. The criticism which appealed to them was based on the unit of popu-

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<sup>61</sup> Statutes, B. C., 1890, c. 42.



lation. It was pointed out, for instance, that seven thousand, one hundred and eleven voters elected the sixteen island members, while six thousand, five hundred and fifty-six voters on the mainland elected only six members. As to the balance of power between island and mainland, which the bill still retained, it was strongly contended that so long as this feature was retained no unity could exist. An Independent party was formed, having for its slogan "Fair Representation." The Government, however, largely disarmed criticism by frankly admitting that the representation fixed by the bill was not satisfactory and claiming that it was a mere temporary measure until the decennial census of 1891 should be taken. The Independents succeeded in electing ten or eleven supporters. At first these were not opposed to the Ministry, which in the early divisions of the next session showed great strength—a majority of seventeen in a House of thirty-three.

The members of this House were: Victoria City, John Grant, Robert Beaven, G. L. Milne, and J. H. Turner; Esquimalt, C. E. Pooley and D. W. Higgins; Cowichan, Theodore Davie and Henry Croft; Nanaimo City, Thomas Keith; Nanaimo District, Thomas Forster and Colin C. McKenzie; Comox, Joseph Hunter; Victoria District, D. M. Eberts and G. W. Anderson; Alberni, Thomas Fletcher; Islands District, John P. Booth; New Westminster City, John C. Brown; Westminster District, T. E. Kitchen, James Punch, and C. B. Sword; Yale, F. G. Vernon, George B. Martin, and Chas. A. Semlin; Lillooet, D. A. Stoddard and A. W. Smith; Cassiar, Robert H. Hall; East Kootenay, Col. James Baker; West Kootenay, James M. Kellie; Cariboo, Joseph Mason, S. A. Rogers, and Hon. John Robson; Vancouver City, F. L. Carter-Cotton and J. W. Horne.<sup>62</sup>

The Hon. Mr. Robson had been elected for Westminster District and Cariboo. He retained the latter seat—Mr. C. B. Sword was elected to the vacant seat for Westminster District.

In March, 1891, occurred the election of members of the House of Commons. These resulted as follows: Cariboo, F. S. Barnard; Yale, J. A. Mara; New Westminster, G. E. Corbould; Vancouver Island, D. W. Gordon; Victoria, Lieut.-Col. E. G. Prior and

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<sup>62</sup> Journals, 1891, p. xv.

Thomas Earle. On the death of Mr. Gordon, Mr. Andrew Haslam, a prominent mill-owner of Nanaimo, was chosen to succeed him.

In April, 1891, a branch of the Canadian Pacific Railway was completed from Mission to Huntingdon—ten miles—where it connected with the American line, thus giving through connection to Seattle.<sup>63</sup>

In 1892, occurred an unusual incident—a collision between the press and the Legislature. Such events are rare. This was the first and only one in which the Provincial House was concerned. Twice during Crown Colony days the newspapers and the Legislative Assembly of Vancouver Island had clashed. In 1861, Mr. Amor De Cosmos, the editor of the *Victoria Colonist*, was brought before the bar for a libel upon the Speaker, the Hon J. S. Helmcken. He apologized; was liberated; the matter ended. A few years later, the *Victoria Colonist*, published by D. W. Higgins and James E. McMillan, was debarred for one week from sending reporters to the Gallery, because of a libel upon Mr. G. E. Deans, the insolvent member for Salt Spring.<sup>64</sup> The occurrence of thirty years later dwarfed into insignificance these early troubles. Two private bills to incorporate transportation companies to operate between the cities of Vancouver and New Westminster, and known respectively as the Vancouver & New Westminster Short Line Tramway Company and the Twin Cities Railway Company, were introduced during the session of 1892. At that time an electric railway built by the Westminster & Vancouver Tramway Company, which had been incorporated in 1890, was in operation between the two cities.<sup>65</sup> Both of these bills were so strenuously opposed by the existing company that they never got beyond the first reading. On March 15th, the Private Bills Committee reported that it was “not expedient to grant the prayer” of the promoters of the Twin City Bill.<sup>66</sup> The report was referred back to the Committee who, on reconsideration, reported on the 18th that the bill was “not in the interests of the public at present.”<sup>67</sup> Messrs. Kennedy Brothers, the owners and editors of the *Daily Columbian*, a newspaper published in New

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<sup>63</sup> *Chilliwack Progress*, April 30, 1891.

<sup>64</sup> Year Book, 1897, p. 68.

<sup>65</sup> Statutes, 1890, c. 67; 1891, c. 71; 1892, Journals, app., p. XIX.

<sup>66</sup> 1892, Journals, p. 62.

<sup>67</sup> Id., p. 67.

Westminster, attacked this conduct in a leading article entitled, "Outrageous Presumption," in which the action of the Private Bills Committee was described as "a scandal and an outrage on free institutions and pure government, if indeed these can be mentioned in the same breath."<sup>68</sup> The Legislature, regarding the editorial as a libel and a high contempt of its privileges, resolved to discipline the offending newspaper men. A resolution was accordingly passed on March 22nd requiring their attendance at the bar on the 29th.<sup>69</sup> The *Columbian* editors continued their broadsides. "The Government and the Legislature," said they, "profess that they are seeking to defend the honour and freedom of the House. The COLUMBIAN takes up the gauntlet, and our watchword is—THE HONOUR AND FREEDOM OF THE PRESS, and our flag is nailed to the mast."<sup>70</sup> As such an editorial would indicate, the publishers paid no attention to the summons. The House then referred the matter to a Select Committee, consisting of Messrs. Pooley, Baker, Croft, Horne, and Forster.<sup>71</sup> Investigation into the existing law satisfied the Attorney-General that it contained no provision enabling the House to punish as a contempt a libel committed out of its doors. The Government, therefore, introduced, on April 1st, an act declaring its privileges, immunities, and powers.<sup>72</sup> The bill was rushed through. The second reading was on April 4th; <sup>73</sup> it passed committee on the 7th; was, on that day, read the third time; <sup>74</sup> and, at 3 o'clock on the afternoon of the 8th, received the Royal Assent.<sup>75</sup> On the 9th, the report of the Select Committee was received and adopted on a vote of twenty-one to nine. It recommended that Messrs. Kennedy be summoned to appear on April 12th, and answer for the "scandalous libel." This summons met the same scant courtesy as its predecessor. The opposition called on the Government repeatedly to abandon the persecution. In vain. The Legislature now ordered, by a vote of twenty to ten, that by not attending in response to the summons the recalcitrant publishers were

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<sup>68</sup> *British Columbian*, March 17, 1892.

<sup>69</sup> Journals, 1892, p. 70.

<sup>70</sup> *British Columbian*, March 25, 1892.

<sup>71</sup> Journals, 1892, p. 78.

<sup>72</sup> Id., p. 88.

<sup>73</sup> Id., p. 90.

<sup>74</sup> Id., p. 96.

<sup>75</sup> Id., p. 100.

"guilty of a contempt," and that the Speaker issue his warrant to compel their attendance.<sup>76</sup> At last, on April 21st, they were brought to the Bar of the House by the Sergeant-at-Arms. In reply to the Speaker's question concerning their disobedience of the second summons, they challenged the jurisdiction of the House to punish for a contempt committed, if at all, out of doors and before the passage of the Legislative Privileges Act, which they contended was not *ex post facto* in its operation.<sup>77</sup> The House, on a division of nineteen to ten, ordered them to be committed to the custody of the Sergeant-at-Arms. On the 22nd they were again brought to the Bar and asked "if they had anything further to add to their statement made yesterday, or whether they had any apology to make to the House for their conduct?" Their answer was: "We have nothing further to say."<sup>78</sup> They were accordingly committed to the same custody. Proceedings by way of *habeas corpus* were at once instituted to test the legality of the imprisonment.<sup>79</sup> Prorogation was hurriedly brought on, on April 23rd, and the real question was left undecided, as Messrs. Kennedy, of necessity, were free, as soon as the Legislature was prorogued. The press of the province, as was natural, largely supported the editors, and to the eye of the general public the passage of an act to enable a prosecution to be brought where theretofore none was possible, gave the whole affair the appearance of a persecution and had a close resemblance to the attainder bills of the Tudor period. It cannot be said that the prosecution, so tenaciously adhered to, redounded to the credit of the administration. They commenced the proceedings with a majority of twelve; at the end they had a majority of nine.

Such an incident had only occurred once before in the history of Canada, when, in the days before the Pacific Scandal, the Hon. T. W. Anglin, then in opposition, had in the *St. John Freeman*, by the scathing irony of his strictures, aroused the Government to bring the matter up in the House. The Government there had been content to let the matter drop at that, and he was never actually brought before the House.

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<sup>76</sup> Journals, 1892, p. 121.

<sup>77</sup> Id., p. 139.

<sup>78</sup> Id., p. 142.

<sup>79</sup> *British Columbian*, April 23, 1892.



In the summer of 1892 the Premier visited England in connection with public business. While out driving, he in some way injured one of his fingers so seriously that amputation became necessary. The shock, operating on a frame weakened by ill-health, in two days resulted fatally.<sup>80</sup> His remains were brought back to the province and buried in Victoria on July 28th. By the family's special request no public funeral was accorded him. The services were of the severest simplicity; there was no special music, no display, no ostentation. The pall-bearers were his brothers, the Rev. E. Robson and Mr. D. Robson, and the members of the Cabinet. The procession was nearly a mile long. Prominent men from all parts of the province were in attendance.<sup>81</sup>

The Hon. Mr. Robson was born in Perth, Ontario, in March, 1824. Smitten with the gold fever, he came to the Colony of British Columbia in 1859 and at first engaged in mining on Hill's Bar. Abandoning this pursuit he, as he often proudly stated, worked at clearing lots and making roads in the vicinity of New Westminster. In 1861 he became the editor, and later the proprietor, of the *British Columbian*, which he published until 1869. He then assumed the position of editor-in-chief of the *Colonist* and, in 1875 became pay-master in connection with the surveys for the Canadian Pacific Railway. When this office was abolished in 1879, he bought the *Dominion Pacific Herald* at New Westminster, renaming it the *British Columbian*. He remained its editor until he entered the Smithe Government in 1883. He occupied a seat in the Legislative Council from 1866 to 1870, in the Provincial Legislature from 1872 to 1875 and from 1882 to 1892.

As this short sketch shows, he had been prominent in the life of the province from 1861, and whether in or out of the House had made his influence felt upon the destiny of the country. He was a strong and convincing writer, a fearless man, and a forceful and fluent speaker. As the *Victoria Post* said, on his election in 1882, he was, "without exaggeration, the ablest orator and debater in British Columbia."<sup>82</sup> His political views, especially in his earlier years, were broad and progressive. He had been the most consistent and outspoken advocate of responsible government. His editorial work

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<sup>80</sup> *British Columbian*, June 29, 1892.

<sup>81</sup> *British Columbian*, July 28, 1892.

<sup>82</sup> *Victoria Post*, July, 1882.

during the strenuous years of that struggle is beyond all praise. With the Hon. Amor De Cosmos, he had preached union with Canada, in season and out of season; that the mainland was the stronghold of that movement was largely due to his enlightened championship. Even the *British Columbian*, his old paper, but at the time of his death his ablest and strongest opponent, said: "As the most experienced, astute, and able politician and parliamentarian in the Provincial Assembly and, almost without exception, its ablest, most eloquent, and most effective, debater, the late Premier will be much missed in the House, and his loss will be worse felt in the Government, whose central and main figure he was."<sup>83</sup>

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<sup>83</sup> *British Columbian*, June 30, 1892.



## CHAPTER XXVII

### THE SEALING INDUSTRY AND THE FUR SEAL ARBITRATION

The existence of the fur-seal in Behring Sea and the vicinity, and its rookeries on the Pribilov Islands, had long been known, but its importance as a fur-bearing animal had been overshadowed by the sea otter. In 1766, the *Vladimir* included in her return cargo two thousand fur-seal skins, which are said to have been obtained from the Near Islands of the Aleutian chain. The *Arkangel Sv. Mikhail* returning in 1777 after a five years' absence, brought back one hundred and forty-three fur-seal skins. Amongst the skins sold in China by Portlock and Dixon, in 1788, were one hundred and ten fur-seal skins. In 1791, Captain Marchand obtained thirty-seven seal skins from the natives of Norfolk Sound, these skins forming a considerable proportion of the whole amount of furs got there. It is likely that much of the fur classed as beaver by the early maritime traders was in reality fur-seal. This was undoubtedly the case in the Queen Charlotte Islands, for though Portlock and Dixon state that considerable numbers of "beaver skins" were purchased there, the beaver is not and never has been a native of those islands.

About 1869, Messrs. Hutchinson, Kohl, & Co. obtained from the United States Government a lease of the Pribilov rookeries. This constituted a practical monopoly of the fur-seal industry, for pelagic sealing was then unknown. The rights of Hutchinson, Kohl & Co. later became vested in the Alaska Commercial Company.

So far as can be learned, the first vessel to attempt open sea sealing was the *Ino* of Victoria, a small twenty or thirty ton trading schooner owned by Capt. Hugh Mackay. The idea was suggested to him by the Indian hunters themselves who, in pursuit of the seals (which then skirted the shore of Vancouver Island in their northern movement), were often obliged to go ten, fifteen, and even forty



miles from land. This was in February, 1866. Captain Mackay found the little vessel too small to carry more than two or three Indian canoes and, realizing the possibilities, he built, in 1868, the *Favourite*, seventy-five tons, which was registered in Victoria on June 18, 1868. These vessels were not devoted entirely to sealing; in fact, they only regarded it as auxiliary to their main purpose—trading.<sup>84</sup>

The first attempt at sealing in a practical way with schooners and Indian hunters was made in or about 1869 by James Christiansen, in the schooner *Surprise*, owned by Capt. William Spring of Victoria.<sup>85</sup> Mr. J. D. Warren, also one of the pioneers of the industry, entered into the business about this date. His first sealing schooner was the *Kate*. The information as to the results of these early attempts is very incomplete, as the records of the customs were not at that time systematically kept. The Indian hunters used the spear. When white hunters were introduced, they used the rifle, but experience taught them that better results could be obtained by the use of the shotgun.

From that time down to 1878, the Victoria sealing fleet consisted of three schooners—*Favourite*, *Thornton*, and *Anna Beck*, owned by Messrs. Mackay and Warren and Spring. In that year the *Onward* was added to the fleet; in 1880, the *Mary Ellen*.<sup>86</sup> They sailed from Victoria each spring to intercept these pinnipedia on their annual return to the rookeries. From an area of about ten million square miles of sea these animals, following their instinct, converge towards the Pribilof Islands. The nearer these islands, therefore, the greater are the sealers' chances of securing pelts in the open sea, which are obtained by shooting or spearing the seals, usually as they lie asleep upon the water. The average catch was from fifteen hundred to two thousand skins a season for each vessel. For some years these three persons had the pelagic field to themselves.<sup>87</sup> Though the profits were large, it was not until 1882 that others in Victoria, which was always the centre, entered the business. In that year the following vessels constituted the fleet: the *Favourite*, *Mary Ellen*, and *Onward*, operated by Captain Spring; the *Grace*,

<sup>84</sup> Fur Seal Arbitration, 1893, vol. 6, p. 100.

<sup>85</sup> Lewis & Dryden, Marine History, pp. 425, 426.

<sup>86</sup> Fur Seal Arbitration, vol. 6, pp. 207, 208.

<sup>87</sup> Sport and Life, p. 190.

*Thornton*, and *Anna Beck*, by J. D. Warren; the *Alfred Adams*, owned by Munsie & Co., and operated by Capt. Hugh Mackay; the *W. P. Sayward*, by Capt. A. Laing. Each succeeding year saw the fleet increase in numbers until, in 1891, it included fifty vessels. The area of its operations also reached closer and closer to Behring Sea. In 1883, the sealing schooners for the first time entered that water. It is claimed that the first sealer to enter was the American *City of San Diego*, in command of Capt. Daniel McLean—the original of Jack London's "Sea Wolf." As examples of their catches, it may be mentioned that in 1883 the *Mary Ellen* obtained 2,309 skins, the *Favourite* 2,073, the *San Diego* 1,725, the *Vanderbilt* 1,243, the *Onward* 2,000.

The effect of the pelagic sealing was two-fold, to decrease the number of pelts obtainable at the Pribilofs and at the same time to reduce their price in the markets of the world. Naturally the Alaska Commercial Company resented this interference with its monopoly. It succeeded in inducing the American Government to a strange and absolutely unjustifiable course of conduct. The Behring Sea is not territorial water; it is simply the high seas, a territory universally recognized as a free highway for the ships of all nations. Yet the United States undertook to declare it *mare clausum* and proceeded to seize as poachers all vessels found therein. And this, too, in the face of the fact that in 1821, when Russia seized an American whaler, the *Bonita*, in Behring Sea, the United States protested and was successful on the ground that Russia had no jurisdiction beyond the three mile limit, i. e., that Behring Sea was the open sea. In August, 1886, without previous warning or protest, the United States revenue cutter *Corwin* seized the British vessels, *Caroline*, *Onward*, and *Thornton* in Behring Sea, while engaged in pelagic sealing. None of them was less than seventy miles from the nearest land, St. George and Unalaska Islands. This conduct was followed in 1887, when the *Alfred Adams*, *Anna Beck*, *W. P. Sayward*, *Dolphin*, *Grace*, and *Ada* were seized. No seizures were made in 1888, but in 1889 the *Juanita*, *Pathfinder*, *Black Diamond*, *Lily*, and *Minnie* were seized, and the *Triumph*, *Ariel*, and *Kate* ordered out of Behring Sea. From that time the seizures ceased, but each year until 1893 the American cruisers satisfied themselves with simply ordering the sealers out of Behring Sea. In the meantime the British govern-

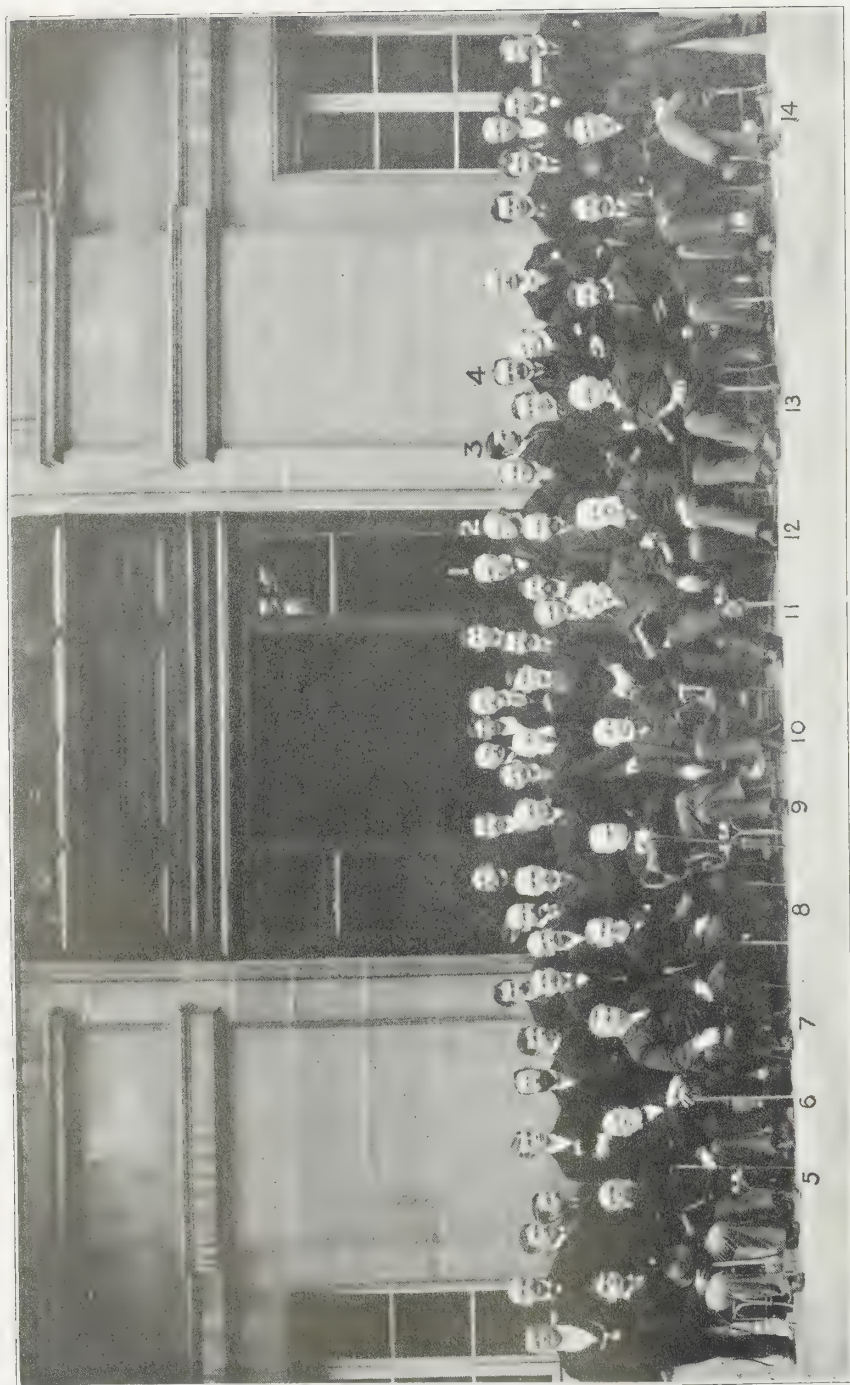
ment had protested against this high-handed action, and after the usual diplomatic correspondence and delays a treaty of arbitration was entered into on April 18, 1892. The tribunal of arbitration was composed of Baron Alphonse de Courcel (President), Marquis E. Visconti Venosta, Gregers Gram, Minister of State of Sweden and Norway, Lord Hannen, Lord of Appeal, Sir John S. D. Thompson, Premier of Canada, John M. Harlan, Justice of the Supreme Court of the United States, and Senator John T. Morgan.

The contentions of the two Governments may be thus summarized: The United States claimed dominion and the right to legislate against foreigners in two-thirds of Behring Sea, being the portion lying within the boundaries of Alaska; they claimed a right of property in the seals which resorted to the Aleutian Islands for a certain season, but derived no sustenance therefrom, and during the greater part of the year were hundreds of miles away; they claimed the right to protect that alleged right of property by search, seizure, and condemnation of the ships of other nations; and they claimed in any event the right to protect the fur-seals in the ocean, as being *domestic animals*, only temporarily out of their possession, with the co-relative right of search, seizure, and condemnation; finally they asked the tribunal, if all the other claims failed, to frame rules in their interest alone, preventing other nations from taking the fur-seal. Great Britain, on the other hand, claimed the freedom of Behring Sea for the benefit of all the world; that any rights of property, or in relation to property in the seals must be confined to the three-mile limit; that the seals were to be classed as wild animals and not as domestic; that Behring Sea, being a portion of the high seas, the vessels of her subjects therein were, in the absence of agreement, only seizable for piracy; and that any regulations, to be established, should have just and equitable regard to all interests affected.

The arbitrators sat in Paris in 1892 and 1893. The Hon. John W. Foster was the agent of the United States; the Hon. Charles Hibbert Tupper, Minister of Marine and Fisheries for Canada, and who was afterwards knighted for his services in this dispute, the agent of Great Britain. The counsel for the United States were E. J. Phelps, James C. Carter, and Frederick R. Coudert; for Great Britain, Sir Charles Russell, Attorney-General, Sir Richard Webster, and Christopher Robinson.







1. Sir Charles Russell. 2. Sir Richard Webster. 3. Christopher Robinson. 4. Mr. Pigott. 5. Mr. Coudert. 6. Mr. Blodgett.  
 7. Sir J. S. Thompson. 8. Greger Gram. 9. Lord Hannen. 10. Alphonse de Courcel. 11. Mr. Harlan. 12. E. Viconti Venosta.  
 13. John T. Morgan. 14. Joseph Pope. In center between Numbers 10 and 11 the young looking man is Sir Charles H. Tupper.  
 The three men on Tupper's right are John W. Foster (the man with sideburns), next E. J. Phelps, next to right J. E. Carter.

#### THE BERING SEA TRIBUNAL

Photograph taken before the Foreign Office in Paris, 1893

Five questions were submitted for decision:

1. What exclusive jurisdiction in the sea now known as the Behring Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as Behring Sea included in the phrase "Pacific Ocean" as used in the treaty of 1825 between Great Britain and Russia, and what rights, if any, in Behring Sea were held and exclusively exercised by Russia after said treaty?

4. Did all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring Sea east of the water boundary, in the treaty between the United States and Russia of March 30, 1867, pass unimpaired to the United States under that treaty?

5. Has the United States any right, and if so, what right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea, when such seals are found outside the ordinary three-mile limit?

If the decision of these were against the contention of the United States, the arbitrators were asked to frame regulations to govern seal-killing outside the jurisdiction of the two Governments.

By the award made on August 15, 1893, all the arbitrators except Senator Morgan replied that Russia, in 1821, when the celebrated ukase was issued, claimed jurisdiction to the extent of one hundred Italian miles from her coasts, but that the claim was abandoned almost as soon as made; that Great Britain never recognized this preposterous claim to any jurisdiction beyond the three-mile limit; that Behring Sea is a part of the Pacific Ocean; that Russia had no exclusive rights in Behring Sea, and hence could transfer no such rights to the United States. As to the fifth question, all the arbitrators but Mr. Justice Harlan and Senator Morgan decided that the United States had no right of protection of, or property in, the fur-seals when beyond the territorial waters, i. e., the three-mile limit. The arbitrators, with the same exceptions, promulgated rules and restrictions to govern future pelagic sealing. They prohibited sealing within a zone of sixty miles around the Pribilof Islands and also prohibited any sealing between May 1st and July 31st, in Behr-

ing Sea or any part of the Pacific Ocean north of  $35^{\circ}$  north latitude and east of  $180^{\circ}$  of longitude from Greenwich. The remainder of the regulations dealt with the weapons and vessels to be used and the records to be kept.

After the award, Mr. Phelps said: "The stringent regulations propounded in restriction of pelagic sealing will amount, in my judgment, to a substantial prohibition of it and give the United States all the fruits they would have obtained by a decree in favour of the claim of right."<sup>88</sup> No restrictions had been placed by the arbitrators on land-killing, for the simple reason that it was not referred to them. Why then, it may be asked, did the treaty give the arbitrators a right to interfere with British sealing on the high seas? The answer is given by the leader of the British House of Commons as being not "on the ground of absolute right or justice, but on the ground that it is a friendly act towards a friendly power."<sup>89</sup> The result was, as expressed by *The Citizen* of Ottawa, that the arbitrators gave us the shell and handed over the kernel to the United States.

The two Governments in May, 1894, issued regulations embodying and amplifying those made by the arbitrators.

The tribunal, having decided that the twenty sealing vessels had been unlawfully seized, and that the others had been unlawfully prevented from sealing in Behring Sea, the question of damages remained to be settled. The claims aggregated \$500,000. The United States Government, late in 1894, offered a lump sum of \$425,000. This was accepted; but Congress refused to pass the amount. One of the strange grounds urged against doing justice and making reparation for the damage inflicted upon our sealers was that, if the Victoria sealers were compensated for their losses, the owners of American vessels which had been seized should be remunerated for their losses also.

Sir Charles Hibbert Tupper summed up the situation in burning language:

"In my opinion, Mr. Speaker, and I have the authority of the Minister of Trade and Commerce for saying it, although he is not a lawyer, there never was a more monstrous assertion of an untenable

<sup>88</sup> *The Empire*, Aug. 17, 1893.

<sup>89</sup> Hansard, June 1, 1891, p. 1402.



right on the part of any country than there was by the United States of America in connection with the Behring Sea fisheries. They had not a single shadow of excuse for the action they took, and which they took for the purpose of breaking up a great Canadian industry and paralyzing a large portion of our mercantile marine on the Pacific Coast. Without any foundation in international law, against all the traditions of their country, against all their previous interpretations of international law, they simply instructed their revenue cutters to seize right and left on the high seas, fifty, sixty, and seventy miles from land, any ship floating the British flag that dared pursue an industry which they desired should be locked up in the hands of a monopoly of their own citizens. Eleven years have we been discussing this, but yet, with decisions of a most unmistakable character against them, and vacillating from position to position, the Americans have fought us during the whole period. Some of the men that they ruined have died, many of the ships that were concerned have disappeared, and we are still waiting for one dollar of indemnity in compensation for that gross violation of international law and comity of nations—a violation that was perpetrated by the United States simply to break down, as they almost succeeded in breaking down, by virtue of the power they were allowed to exercise regardless of principle—the Canadian sealing industry.”

On February 8, 1896, an agreement was at last arrived at whereby these long-standing claims were referred to a Judicial Commission, which was to meet in Victoria. Twenty-three claims were filed, aggregating \$1,289,008. After careful investigation, the damages were assessed at \$463,454, principal and interest. The sale of the libelled vessels had produced \$83,073.72. The United States paid the award, after considerable delay.

Being now excluded from Behring Sea, British sealers resorted to Russian and Japanese waters, while the Russians and Japanese, not being excluded from Behring Sea, frequented that section. Thus the destruction went on. An equitable arrangement was made in July, 1911, to which Great Britain, the United States, Russia and Japan were parties. Its principal terms were:

1. No pelagic sealing north of the 35° of latitude.
2. The United States to give to Canada fifteen per cent of the skins taken on her territory, and fifteen per cent to Japan.



3. Russia to give to Canada fifteen per cent of the skins taken on her territory, and fifteen per cent to Japan.

4. Japan to give to Canada ten per cent of the skins taken upon her territory, ten per cent to Russia and ten per cent to the United States.

5. The agreement to last fifteen years.

The Victoria sealing fleet is no more. The vessels which were her pride, and whose movements and success were so anxiously followed, have scattered in every direction and into every class of work. Her sealers, however, receive the shares above specified from the catches of others.

## CHAPTER XXVIII

### THE KOOTENAY MINES—NELSON—SLOCAN—GRANBY—HYDRAULIC IN CARIBOO—THE RAILWAY DEVELOPMENT IN KOOTENAY

After the collapse of the Big Bend, placer mining in the Kootenay District, gradually, but surely, decreased. Perry Creek and Wild Horse gave fair returns to the few miners engaged in hydraulic operations through the seventies; but the process of elimination went on constantly, until in 1882, there were only eleven white miners in the whole of East Kootenay. Scores of Chinese were there, patiently digging over the old ground and washing the tailings for a second, and even a third time with the tireless diligence of their race. Wild Horse was then a typical deserted mining camp with its heaps of *débris*, its scores of abandoned tunnels and ditches, its hundreds of forsaken prospect holes and tumble-down log-cabins—eloquent reminders of the days of its departed grandeur.<sup>90</sup> The quartz excitement in Cariboo in 1877 did not arouse any interest in Kootenay. No one had eyes for anything but placer. The absence of roads and trails, not to speak of railroads, accounts very largely for this apathy. Of what value a rich ledge if no road existed to enable machinery to be taken to it? The old Dewdney trail of 1865 had long been completely blocked by slides and fallen timber; no human foot had passed over it for ten years. The waterways and the trails from Sand Point or other places on the Northern Pacific afforded the only means of access.

In 1882 three prospectors, amongst whom was one who later obtained a most unenviable notoriety—Robert Evan Sproule—set out from Bonner's Ferry in Idaho and descended the Kootenay River to Kootenay Lake. Making their way along its eastern shore, they noticed a large iron stain on the face of a cliff. Examination dis-

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<sup>90</sup> Sport and Life, p. 229.

closed an extraordinarily wide ledge of argentiferous galena. This was the celebrated Blue Bell mine. As we are now at the dawn of lode-mining in Kootenay, it may be well to gather together the scattered records of the early knowledge of Kootenay's mineral wealth.

It is said, on what appears to be good authority, that the Blue Bell mine had been first discovered by David Douglas, the botanist.<sup>91</sup> The date ordinarily given is 1825. This is manifestly incorrect, as Douglas's journals show that during that year he remained in the lower Columbia region. But in April, 1826, he spent a fortnight or three weeks in the vicinity of Kettle Falls, and it is possible that in his numerous rambles he may have found the Blue Bell outcrop, though no hint thereof appears in his journals.<sup>92</sup> It is further stated that in 1831 he sent home to England samples of its ore which assayed seventy to eighty per cent lead and ten to fifteen ounces of silver to the ton. This date must also be an error, for Douglas departed for England in 1827 *via* the overland route, returning in 1830 and spending the time till 1832 in California. In 1833, Douglas was again in British Columbia, though, so far as the meagre records show, not in the Kootenay District. His journals of this visit were lost when, on June 13, 1833, his canoe was dashed to atoms at Stony Islands in the Fraser.<sup>93</sup> We are unable to throw further light on this subject, as his journals are silent in regard to it.

In September, 1845, the renowned Father De Smet made a voyage through the Kootenay region to the source of the Columbia and thence through the Vermilion Pass to Edmonton. Speaking of Kootenay he says: "Le pays des Skalzi n'attend que le travail et l'industrie de l'homme laborieux et industriel. Le plomb y est si abondant que dans plusieurs endroits il se trouve en monceaux sur la surface du sol même, et d'une qualité si belle, qu'il y a peu de doute qu'il ne soit mêlé avec une certaine quantité d'argent."<sup>94</sup> The Indians and the Hudson's Bay Company's employees knew of this great mineral outcrop and used the surface ore for making bullets.

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<sup>91</sup> Sport and Life, p. 232; G. M. Sproat in Mining Report, 1889, p. 297; 1909 Mining Report, p. 95.

<sup>92</sup> Oregon Hist. Quarterly, vol. 5, p. 337.

<sup>93</sup> Oregon Hist. Quarterly, vol. 6, pp. 308, 309.

<sup>94</sup> De Smet Letters, Missions de l'Oregon, p. 82.







B.C. Bureau of Mines.

CANADIAN METAL CO.'S CONCENTRATING PLANT, BLUEBELL MINE, KOOTENAY LAKE

Several of their old drills were found upon the site—silent testimony of their work.<sup>95</sup>

About 1864, owing to reports of its great possibilities, Mr. George Hearst, afterwards United States Senator from California, made a visit to the Blue Bell. Persisting in his efforts, in spite of enormous difficulties, he erected a small open-hearth furnace, the remains of which are said to have existed for many years, and reduced some ore to bullion.<sup>96</sup> But the low grade of the product, the absence of all transportation facilities, and the supposed inability to market the output during his lifetime, led him to abandon the project. In the following year, when Mr. Edgar Dewdney was extending the trail into Wild Horse Creek from Princeton, the Indians pointed out the locality, calling it Chikamin Mountain, i. e., metal mountain. They informed him that they were in the habit of making bullets from its lead.<sup>97</sup>

This, roughly, is all that is known of the Blue Bell prior to Sproule's rediscovery. In order to register his claim, it was necessary for him to journey two hundred and forty miles to Wild Horse and to return inside of seventy-two hours, which was the limit of absence from a placer mine. Lode mining had not developed in the province, and this provision with regard to absence had been thoughtlessly applied to a totally different class of mining. It so happened that another prospector, Thomas Hamil, operating in the interests of Captain Ainsworth of the Columbia & Kootenay Railroad, was then in the vicinity. More astute than Sproule, he had the Gold Commissioner from Wild Horse in his party.<sup>98</sup> Staking the ledge after the seventy-two hours of legal absence had expired, litigation naturally arose. Sproule was defeated, and though he succeeded as regarded the Blue Bell, it was later, sold by the sheriff to pay the costs. Smarting under the loss, Sproule lay in wait for Hamil and murdered him. After a prolonged legal battle, Sproule was convicted and, despite strong influences in his behalf, was hanged.

Such is the story of the discovery of one of the greatest bodies of low grade silver lead ore on the continent.

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<sup>95</sup> *Canadian Magazine*, p. 300.

<sup>96</sup> *Mining Report*, 1909, p. J. 95.

<sup>97</sup> *The Province*, Nov. 21, 1908.

<sup>98</sup> *Sport and Life*, pp. 234, 249.

With the murder, the interest in the Blue Bell ceased. Known always as a very large showing of silver-bearing galena, easy of access, and convenient to work, yet, strangely enough, claims were located and relocated, examined and reexamined by experts and either condemned or "damned with faint praise" as being of too low grade for profitable handling. The curse of Andvari's hoard seemed upon it. About 1887, an American company, under the management of Dr. W. A. Hendryx, at last undertook its systematic development. On the upper levels it seemed to be a ledge of nearly solid galena eighty-six feet wide and giving an average assay of twenty ounces of silver to the ton and twenty-three per cent of lead.<sup>99</sup> But soon its true nature appeared—vast quantity, low grade. Attempts to smelt it proved unsuccessful, so low was the run of the mine. A considerable quantity of picked ore was smelted with good results, but to handle the product satisfactorily a concentrator was required. In 1908 the ore was described as one-third zinc and lead sulphides, one-third pyrrhotite and other iron sulphides, one-third quartz and limestone, the whole carrying about two and a half ounces of silver to the ton, chiefly associated with the lead. The development had made ready for working a vast quantity estimated at one million tons; but various problems faced the owners: how to separate the lead and iron sulphides, i. e., what magnetic separator would operate most effectively; how should the zinc resources be turned to account; and, in the end, how so to work and handle this vast low grade deposit considering its nature and the inherent difficulties, including the comparatively low value of silver, that dividends could be obtained for its French stockholders. The problem is yet unsolved.

In 1887 Hall Brothers made their way along the West Arm of Kootenay Lake. While engaged in prospecting on Toad Mountain, one of their horses strayed and, in searching for it, they stumbled upon a lode of silver-bearing ore, at an elevation of some thirty-eight hundred feet above Kootenay Lake.<sup>1</sup> This was the Silver King, from which in 1889 a forty ton shipment produced eleven thousand, nine hundred and sixty ounces of silver. The news of this discovery brought many prospectors into the mountains around Kootenay Lake. In 1888, their number was estimated at two hun-

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<sup>99</sup> Mining Report, 1889, p. 282.

<sup>1</sup> Mining Report, 1889, p. 280.



dred and fifty. With the growth of this mining excitement, Nelson came into being. Beautifully situated upon an arm of Kootenay Lake, it was naturally adapted to become not only a mining centre, but also a distributing point. The first sale of lots was held in October, 1888, by Gilbert Malcolm Sproat, the Gold Commissioner, who had named the embryo town, Stanley, though Henry Anderson, the Mining Recorder, had, in 1887, called it Salisbury. These two names had their respective supporters, until the inhabitants, asking for a postoffice, the future metropolis of Kootenay was named Nelson, after the Lieutenant-Governor. For the first two years of its existence Nelson was merely a collection of rough log-huts, roofed with dirt, shakes, or canvas. Denny & Devine opened the first general store in a cabin on the site of the present Provincial Gaol, but they soon disposed of the business to Lemon & Hume. Nelson's first hotel was a commodious and airy tent; its proprietor, John F. Ward, soon replaced it with a log house. James A. Gilker was, in 1889, appointed as Nelson's first postmaster, the mails being brought in weekly, down the Columbia and across to the new town. Early in 1892, the Columbia & Kootenay Railroad connecting Nelson and Robson gave access to the steamers operating on the Columbia River. With these increased transportation facilities, population poured in; business blocks and stately private residences soon arose where the pioneers' log huts had stood; railway lines began to converge toward the spot, and Nelson entered upon an era of prosperity as the real centre of Kootenay. By the end of 1893, it boasted eight hundred inhabitants and looked peaceful and prosperous.<sup>2</sup> In 1895 the Nelson & Fort Sheppard Railway gave access to the entire American system.

At Nelson, the Hall Mines Company, of which Sir Joseph W. Trutch, K. C. M. G., was chairman, established a smelter for the treatment of the ore from the Silver King and the other mines on Toad Mountain, which by that time was literally covered with mining claims. This smelter had a blast copper capacity of two hundred and eighty tons per day and a blast silver lead capacity of one hundred tons. The Silver King ore was conveyed to the smelter by a wire rope aerial tramway, four and a half miles in length. Up to the end of 1896, nearly thirty thousand tons of this ore had been treated, giving an average return of twenty-one ounces of silver per

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<sup>2</sup> 14 Canadian Magazine, pp. 24-7.



ton and three and seven-tenths per cent of copper.<sup>3</sup> During the following three or four years, from thirty thousand to forty thousand tons were smelted annually. The first dividend of ten per cent was paid in 1897. But the quality of the ore slowly altered with increasing depth, changing from bornite into chalcopyrite, and the quantity of silver steadily decreasing. In 1900 some twenty thousand tons averaged sixteen and one-tenth ounces of silver per ton and three and eight-tenths per cent of copper. From that time, production from the Silver King became spasmodic and soon ceased entirely.

In 1889, the product of Kootenay was fifty-three thousand, one hundred and ninety-two ounces of silver and one hundred and sixty-five thousand, one hundred pounds of lead; in 1890, silver to the amount of seventy thousand, four hundred and twenty-seven ounces was produced, but no lead whatever; in 1891, only four thousand, five hundred ounces of silver. This reduced production resulted from three causes, the decreased price of silver, the hostile tariff of the United States, and the desire to await the advent of the railroads.<sup>4</sup>

Besides the silver-lead mines, Toad Mountain was found to contain ledges of free-milling gold. Of these the most prominent were the Poorman and the Athabasca. The former was one of the earliest producers of lode gold. In 1892 its ten stamp mill produced over \$10,000. As depth was attained, the nature of the ore changed considerably. It became less free-milling, the values going more into sulphides that required concentration. The average value of the ore saved by amalgamation was from \$12 to \$14 a ton; the concentrates yielded \$26 to \$30 a ton. The comparatively small area of the vein worked produced, up to 1896, about \$100,000.

A lead smelter was erected in Revelstoke and another at Pilot Bay on Kootenay Lake. The latter was intended to treat principally the ore from the Blue Bell. It was completed in March, 1895.<sup>5</sup>

With the encouraging reports from Kootenay Lake, the number of prospectors increased and their sphere of action extended. The Dewdney trail now became of importance. In the vicinity of Trail Creek it passed about a mile south of the present city of Rossland. Following this line of ingress, Joseph Bourgeois in 1889 located the first claim in the Rossland region—the Lily May, which was re-

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<sup>3</sup> Mining Bulletin No. 2, pp. 76, 77.

<sup>4</sup> Mining Report, 1902, p. 921.

<sup>5</sup> Mining Report, 1896, p. 683.

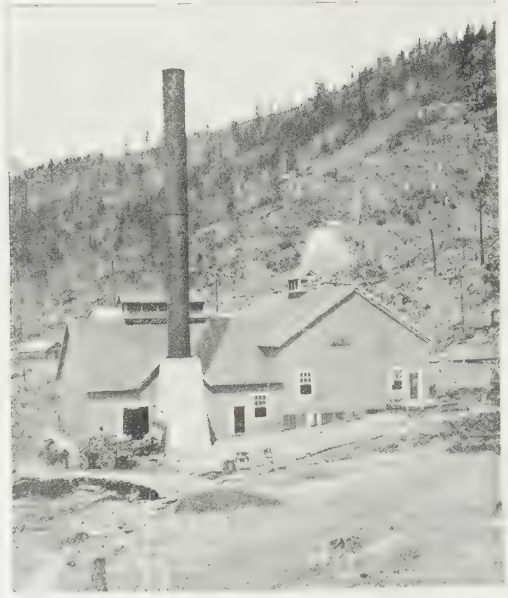




LEROI SHAFT HOUSE



NICKEL PLATE MINE



LEROI COMPRESSOR PLANT

corded in 1890 by J. Bordeau. The former also located, in 1890, the Centre Star and the War Eagle; his partner, J. Morris, staked the Virginia and the Idaho. Though they discovered the LeRoi, the most famous of the Red Mountain mines, yet, being prevented by law from holding more than one claim each on the lead, it became the property of E. S. Topping on payment of the mere expense of recording. These are the mines which obtained a world-wide reputation and whose marked success gave a great impetus to lode-mining throughout the length and breadth of British Columbia. Their discoverers, however, found that the older generation of miners had seen and examined the iron-stained capping, as a prospect hole five feet deep and other similar excavations testified.

In November, 1890, Col. William Redpath and Mr. George Foster, two attorneys of Spokane, became interested in the LeRoi. Associated with them was Mr. Oliver Durant. A shallow cut sixteen feet long, carefully sampled, returned as high as \$60 a ton in gold, and an examination of the neighboring claims, Enterprise, Centre Star, Idaho, Virginia, War Eagle, and Josie, satisfied Mr. Durant of the future greatness of the new camp. In the spring of 1891, ten tons of picked sulphide ore from the bottom of the thirty-five foot shaft, where the vein was nine feet wide, were packed out to the Columbia River and forwarded to Butte, Montana. The return was \$84.40 per ton, being three ounces of silver, five and twenty-one hundredths per cent copper, and about four ounces of gold. The controlling interest was then purchased for \$30,000, and, later, the remaining interest of Mr. Topping was also obtained. The LeRoi Gold Mining Company was then formed to take over and work the property. No advance could be made without roads, and soon the camp was connected with Northport, in the State of Washington, by a road up Sheep Creek; following this, Captain Fitzstubbs, the Gold Commissioner, ordered another to be built up Trail Creek from the Columbia. During the winter of 1893-4 the LeRoi shipped by the Trail Creek road the ore which had been collected on the dump. This netted a good profit, and, with increasing shipments the LeRoi became a rich dividend-paying mine. Up to February 1, 1898, it had paid \$725,000 in dividends. For about ten years this mine produced annually two hundred thousand tons of ore and made handsome profits. In 1904, this profit was over £80,000.



In 1892, Mr. Durant disposed of his interest in the LeRoi and, with Mr. A. Tarbet bought the Centre Star and Idaho. The financial crisis of 1893 caused a suspension of operations until 1895, when the Centre Star, which in the meantime had been organized into a stock company, resumed operations. The War Eagle showed at first a low grade pyrrhotite averaging \$14 to \$16 a ton in gold; but, on going a few hundred feet further west, Mr. P. Clark, by trenching, uncovered a splendid body of good ore, nearly one hundred feet long and from eight to twelve feet wide, averaging two and a quarter ounces in gold.<sup>6</sup> On February 1, 1895, the War Eagle paid its first dividend, \$32,500. By the end of 1896 its dividends amounted to \$187,000.<sup>7</sup> For ten years thereafter the Centre Star continued to produce in large quantities. In 1904 the net profit was over \$228,000.

When these mines were discovered, Ross Thompson had a small cabin in the vicinity. He came and went, prospected and hunted; his log cabin was his castle—"Ross's Land," ironically so called, but when the richness of the new camp was bruited abroad and prospectors, miners, and capitalists began to gather upon the top of Red Mountain, Rossland became a proud name upon the map of the province—the Johannesburg of British Columbia. In 1894, it contained only four log houses; in 1896 its population was four thousand; in 1901 it had grown into a city of seven thousand, with excellent hotels, well furnished stores, public and private schools, hospitals, banks, churches, theatres, and breweries.<sup>8</sup> A system of waterworks had been installed and the city lighted by electricity generated at Bonnington Falls near Nelson.

The Red Mountain mines attracted the attention of Mr. Heintze, a smelter owner in Butte, Montana, and Mr. D. C. Corbin of the Spokane Falls & Northern Railway. Having made arrangements with the LeRoi owners to treat some seventy-five thousand tons of their output, the former erected a smelter at Trail on the Columbia River, and connected it by a narrow gauge railroad with the mine. Mr. Corbin extended the Spokane Falls & Northern, under the name of the Nelson & Fort Sheppard Railway, to Nelson and also up Sheep Creek to Rossland, under the name of the Red Mountain Railway. Soon a little smelting town grew up at Trail. In 1896 it

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<sup>6</sup> Mining Report, 1896.

<sup>7</sup> Mining Report, 1897, p. 537.

<sup>8</sup> Canadian Magazine, pp. 302-13.





SILVERTON, SLOCAN DISTRICT



STEAMER "SLOCAN"—NEW DENVER, FROM WHARF

boasted a population of one thousand, eight hundred. On Lookout Mountain, in the vicinity, a number of promising mineral claims were located, but no mine was discovered.

In the early nineties the whole country from the 49th parallel to the main line of the Canadian Pacific Railway, and from the sources of the Columbia to the coast, was infected with prospectors. They swarmed in the hills; they travelled into the most inaccessible regions. They searched no longer the river banks and bars, but along the mountain sides—even upon the mountain tops, and up the course of every little streamlet, seeking “float” or other indications of ledges. In August, 1891, Andrew Jardine returned to Ainsworth on Kootenay Lake from the Blue Ridge Mountains with a quantity of high grade silver lead ore. A stampede to that region occurred and, in September, John L. Seaton discovered the croppings of the Payne mine. Then set in one of the wildest lode excitements in our history. Though it was late in the year and the snow was already falling on the higher levels, the prospectors fairly tumbled over each other in eager haste to reach the land of promise, around Slocan Lake. One hundred and forty claims were located by January 1, 1892, of these, the best known were the Slocan Star, the Payne, the White-water, and the Reco. At a depth of one hundred feet the celebrated Slocan Star showed an ore body of fifty feet between the walls. Its first class ore was twelve feet in width, carrying one hundred ounces of silver, \$8 in gold, and seventy per cent of lead per ton. Speaking generally, the veins in the Slocan were small, varying from two or three inches to twenty or thirty inches in width, but the high value of silver then prevailing made them profitable. One of the richest was the Reco-Goodenough. Its vein was measured by inches, but was very rich—six hundred tons giving an average return of four hundred and seven ounces of silver per ton and forty-two per cent lead. During the first years of this camp very little imported capital was expended, nearly every mine realizing sufficient money from the ore extracted during development to pay for more extensive workings, buildings, mills, trails, and above all, dividends. The effects of this policy were very keenly felt in later years.<sup>9</sup> Numerous towns sprang up—Three Forks, Kaslo, Nakusp, Slocan, and New Denver (at first called El Dorado) being the chief. Kaslo boasted a news-

<sup>9</sup> Mining Report, 1896, p. 36.



paper in January, 1892—the *Kaslo Herald*. It was then a brisk and sparkling little mining town. In the fall of 1893, Nakusp had a population of two hundred; while Kaslo had a floating population of about one thousand, and was the most attractive of all the townsites. New Denver then claimed two hundred and fifty resident inhabitants.<sup>10</sup>

The Freddy Lee was the first of the Slocan mines to ship ore. "Jim" Wardner, one of those adventurous spirits that discern the first faint signs of a mining excitement and gather to the spot before the ordinary man has even dreamed of it, had a pack train operating on the road to Nakusp, and six carloads were taken out by that means *via* New Denver and the Columbia River. The people of Kaslo then induced him to ship through their town, and hundreds of tons were carried out by his animals in that direction during the winter of 1892 and thence by way of Kootenay Lake and Nelson. During six weeks of the winter of 1892-3 the custom's returns showed shipments from the Slocan aggregating one thousand, eight hundred and nineteen tons, of an average value of \$130 per ton.

The Slocan Star held the lead until 1896, paying dividends of \$300,000, and proving itself the largest producing silver lead mine in the province up to that time. Up to July 1, 1904, it had shipped thirty-two thousand, four hundred and fifty-three tons and paid dividends amounting to \$525,000.<sup>11</sup> Lengthy and expensive litigation regarding extra-lateral rights arose upon the attempt to pursue the vein beyond the limits of the claim.

The Payne, which was located in September, 1891, by Eli Carpenter and John Seaton, overshadowed the Slocan Star after 1897 and became the premier silver lead mine.<sup>12</sup> More than fifty thousand tons were shipped from this famous claim, representing a gross value of nearly \$4,000,000. The average value per ton was \$77.30. Between 1897 and 1904 it paid dividends amounting to \$1,438,000.<sup>13</sup> In 1903 the Rambler-Cariboo, Sunset, and Monitor paid handsome profits, even though silver had then reached the lowest point on record.

The Slocan mines were at considerable elevations—the Slocan Star five thousand feet, the Payne seven thousand, one hundred feet

<sup>10</sup> 2 Canadian Magazine, pp. 328, 334.

<sup>11</sup> Mining Report, 1905, p. 184.

<sup>12</sup> Mining Bulletin, No. 3, 1896, p. 86.

<sup>13</sup> Mining Report, 1905, p. 186.





TOWN OF NEW DENVER, SLOCAN LAKE

B.C. Bureau of Mines

above sea-level. The ore was transported to the railway or other shipping point by wagon roads, aerial or other tramways, or on rawhide trails. The latter method was somewhat novel. The steep mountain sides, the deep snow, and the long winters were the elements which brought it into general use. Sacks of ore, each of one hundred or one hundred and fifty pounds, to the number of about fifteen, were wrapped in raw cowhides and drawn by horses over the snow, down the mountain sides. Each horse hauled a cowhide, i. e., about fifteen or twenty hundred pounds; but, according to the state of the trail, one driver might be in charge of any number of horses up to four.

In the wild scamper for ledges, East Kootenay shared. Placer mining was still being prosecuted on Wild Horse Creek, Perry Creek, and Moyie River, by hydraulic companies of whites and Chinese. East Kootenay, in 1892, yielded \$29,700 in placer gold. Quartz is the mother of placer, yet nowhere in British Columbia's richest placer regions of old have any correspondingly rich mother lodes of free milling gold been found. But in the search for quartz, Joseph Bourgeois, the discoverer of the rich mines of Red Mountain, found in June, 1892, an immense body of steel galena on Mark Creek, about twenty miles west of Fort Steele. This was the North Star, the representative mine of East Kootenay. Exploratory work disclosed a deposit of solid galena and carbonates sixty-five feet wide.<sup>14</sup> The ore bodies were in the form of more or less parallel depressions or channels, several hundred feet long with a maximum width of seventy-five feet and a maximum depth of forty feet. A shipment of thirty-two tons produced \$68.70 per ton. In July, 1893, the mine became the property of Mr. (now Sir) Donald D. Mann. About sixteen thousand tons were shipped in 1901, returning an average of from fifty to fifty-five per cent lead and from twenty to twenty-five ounces of silver per ton.<sup>15</sup> From this product a dividend of \$117,000 was paid. Two other mines in this district reached considerable prominence — the Sullivan and the St. Eugene. The former was discovered in 1892. It was situated on Mark Creek about two miles from the North Star, and, like the latter, its deposits were in depressions of somewhat similar extent. The ore was a galena carrying an unusual amount of iron, the first class assaying about forty per cent lead and twenty

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<sup>14</sup> Mining Report, 1892, p. 538.

<sup>15</sup> Mining Report, 1901, pp. 795, 796.



ounces of silver, the second class about twenty-five per cent lead and twelve ounces of silver.<sup>16</sup> By 1905, the North Star mine had been worked out, but the Sullivan in that year rose to the second place as a lead producer—its yield being eleven million, five hundred thousand pounds of lead or twenty per cent of the total production of the province. In 1907, about twenty-eight thousand tons of ore were mined, producing one hundred and seventy-nine thousand ounces of silver and nine million, two hundred thousand pounds of lead. The Sullivan continued to ship until 1909, but in gradually decreasing quantities. The St. Eugene was a large low grade galena deposit requiring concentration. It was located on the summit of the hill near Moyie Lake. The ore chute was about four feet in width.<sup>17</sup> After some years spent in development, it entered the class of shipping mines. An aerial tramway thirty-three hundred feet long conveyed the ore to the concentrator, which had a daily capacity of four hundred tons.<sup>18</sup> In 1900, between sixty-five and seventy thousand tons were treated, producing a concentrate running from sixty-five to seventy per cent lead. Its lead production that year was greater than that of any other single mine in the province. The silver varied from one-half to two-thirds of an ounce to the per cent of lead. The output continued to increase. In 1905, nearly one hundred and fifty thousand tons of ore produced nine hundred thousand ounces of silver and thirty-six million, five hundred thousand pounds of lead. This was about sixty-five per cent of the total lead obtained in province and placed the St. Eugene on the pedestal as the greatest lead mine of British Columbia.<sup>19</sup> Two years later its output was one hundred and twenty-five thousand tons of ore from the concentrates, wherefrom about six hundred and seven thousand ounces of silver and twenty-seven million pounds of lead were obtained.<sup>20</sup> In 1910 the production had decreased to about seventy-eight thousand tons. Up to that time more than a million tons of ore containing five million ounces of silver and two hundred and thirty million pounds of lead, and valued at over \$10,000,000, had been mined.

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<sup>16</sup> Mining Report, 1904, p. 74.

<sup>17</sup> Mining Report, 1898, p. 1010.

<sup>18</sup> Mining Report, 1901, p. 794.

<sup>19</sup> Mining Report, 1906, p. 24.

<sup>20</sup> Mining Report, 1908, p. 85.

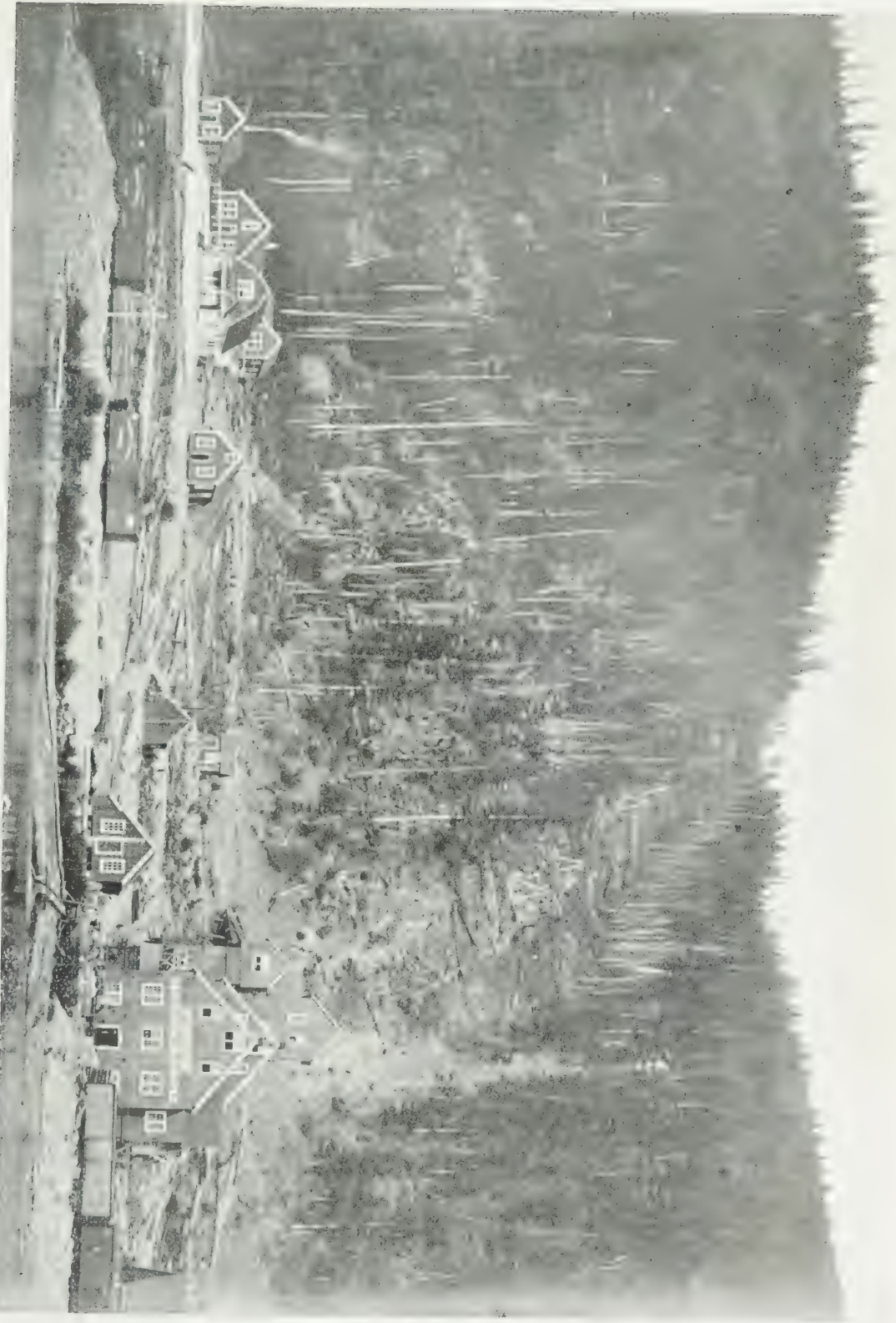




SANDON



GRANBY SMELTER, GRAND FORKS



ST. ETIENNE MILL, MOYTE





As a result of this mining activity, the little town of Moyie sprang into being on the eastern shore of the more southerly of the two Moyie lakes. In 1898 it boasted three or four hotels, as many stores, and a considerable number of private houses. The Crow's Nest Pass Railway gave it connection with the outside world.

The Lardeau and Trout Lake regions, which lie near the head of the Upper Arrow Lake, attracted considerable attention in 1902. Speaking generally, the mineral veins varied in width from one foot to five feet and were of exceptionally high values. These values were usually associated with the grey copper ores, though a fine zinc blende also carried exceptional values. The Eva, on the summit of Lexington Mountain, was a free milling property, but of low grade. Its ore body was in some places fifteen feet wide, giving from \$3 to \$20 a ton. The Cambourne was of a similar nature, though its ore was of higher grade. Stamp mills were erected on both these mines in 1903. In that year twenty-three hundred tons of the Eva ore were milled, returning \$10 a ton. The mining towns of Cambourne and Ferguson came into temporary prominence as a result of this work, but after a few years the district ceased to be of importance.

Prospectors roaming over all the Kootenay region passed into Yale district and in May, 1891, located the Mother Lode three miles west of the present town of Greenwood. Two months later the immense body of low grade copper-gold ore, now known as the Granby mine, but located as Old Ironsides and Knob Hill near the town of Phoenix, was discovered. This ore body is so extensive—some four hundred feet in width—that the work of getting it out is rather that of quarrying than of mining. Until the advent of railroads these vast bodies of ore lay undeveloped, or at any rate remained non-shippers. But in 1893 and 1894 some small shipments of rich ore carrying gold and silver values were made from claims in the vicinity of Greenwood. This ore was packed out by horses to Marcus in the State of Washington, on the line of the Spokane Falls & Northern Railway. However, the veins were very narrow and after a short time the work was abandoned to await more favourable transportation conditions which would afford an opportunity for the successful working of the low grade deposits. In 1896 development was commenced on the Mother Lode and the Old Ironsides and Knob Hill. Smelters were erected at Boundary Falls, Greenwood, and Grand Forks. The

Granby mine began to ship ore in July, 1900, and by the end of 1902 its output reached six hundred and six thousand, one hundred and fifty-one tons.<sup>21</sup> Year by year the amount of ore produced was increased. In 1908, by the installation of labour-saving devices, the output of the mine reached five thousand tons daily. The grand total of ore received and smelted at the Granby works at Grand Forks during that year was one million, thirty-seven thousand, and eighty-nine tons, which produced twenty-three million, five hundred and thirty-five thousand, and nine pounds of copper.<sup>22</sup> The Mother Lode showed a surface width of from eighty to one hundred sixty feet; at two hundred feet below the ground the body was from eighty to one hundred feet wide. In the latter part of 1900 this mine shipped five thousand, five hundred and sixty-four tons, in 1901 ninety-nine thousand, five hundred and forty-eight tons, in 1902 one hundred thirty-six thousand, six hundred and fifty-seven tons, and so on from year to year. The output for 1910 was three hundred and fifty thousand tons.<sup>23</sup>

With the growth of mining in the Boundary, the towns of Grand Forks and Greenwood came into prominence, as the centres for the Granby and Mother Lode mines respectively. In 1911 their estimated population is given as: Grand Forks three thousand, Greenwood fifteen hundred.<sup>24</sup>

Still further to the westward in Yale District were Camp McKinney and the Fairview and Central Camps. The former, which was situated between the Okanagan and the Kettle rivers, fifty-six miles east of Penticton, had been discovered in 1894, though the Cariboo vein was not found until 1897. Development work then commenced. In the Cariboo-Amelia—the most important in Camp McKinney—the vein was a free-milling white quartz with some sulphides, carrying \$15 to \$20 to the ton. A ten stamp mill was installed early in 1894, which treated, between May 1st and November 1st, three thousand, one hundred tons of ore, producing \$34,750 in gold and sixty tons of concentrates.<sup>25</sup> Within two years thereafter, twenty thousand tons had been milled and dividends to the amount of

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<sup>21</sup> Year Book, 1903, pp. 148-151.

<sup>22</sup> Mining Report, 1909, pp. 114, 115.

<sup>23</sup> Year Book, 1903, pp. 151, 152; 1910 Mining Report, p. 130.

<sup>24</sup> Year Book, 1911, p. 343.

<sup>25</sup> Mining Report, 1894, p. 754.











TOWN OF GREENWOOD, 1900. LOOKING NORTH



\$160,000 declared.<sup>26</sup> By 1898 its production had decreased to seven thousand, five hundred and thirty tons, yielding eleven thousand ounces of bullion, valued at \$132,000.<sup>27</sup> Other claims were then opened and in 1901, fifteen thousand, two hundred and thirty-eight tons were mined and milled, from which were extracted eleven thousand, four hundred and sixty-nine ounces of bullion and five hundred and fifty-seven tons of concentrates. The dividends paid up to 1901 aggregated \$459,337.<sup>28</sup> After paying a further dividend of \$50,000, the mine, owing to the low grade of ore—\$5.50 per ton—encountered, ceased operations in 1904.

The ore in the Fairview Camp was also, generally speaking, free-milling and the geological formation similar to Camp McKinney.

On the north side of the Similkameen, at the mouth of Twenty-mile Creek, mining claims were located in 1896, which later bore the generic name of Camp Hedley. In this region the representative mine is the Nickel Plate. By 1906—less than three years from the time work was commenced in earnest—over seventy-seven thousand tons of ore had been mined. An electric tramway a mile and a half long conveyed the ore to the tippie and a gravity tram line nine thousand, five hundred feet in length and three thousand, five hundred feet vertical height carried it to the forty stamp mill and cyanide plant in the valley below.<sup>29</sup> The output in 1908 was forty-four thousand and sixty-eight tons. The great difficulty experienced in the operation of this mine was to avoid loss in the tailings, which were never less than \$2.50 a ton, and frequently exceeded \$5. A process of regrinding the ore was introduced in 1909 and, to avoid the loss by sliming, filter presses were introduced. Owing to these alterations, the mine was shut down for four months in 1909, thus reducing the extraction to thirty-one thousand tons. The improvement in treating the ores showed in the work of 1910. There were milled forty-six thousand, eight hundred and twenty-eight tons of ore, yielding \$519,356. The expenses of operation were \$255,370. Dividends amounting to \$168,000 or fourteen per cent were paid. The undivided profit on January 1, 1911, was \$182,809.<sup>30</sup>

In the search for mineral which marked the "nineties," Cariboo

<sup>26</sup> Year Book, 1897, p. 369.

<sup>27</sup> Mining Report, 1898, pp. 1116, 1117.

<sup>28</sup> Mining Report, 1901, pp. 879, 880.

<sup>29</sup> Mining Report, 1908, p. 126.

<sup>30</sup> Mining Report, 1910, pp. 135-6; 1911, pp. 124-5.



was not forgotten. Lack of transportation facilities forbade any attempt to open lode mines, but the possibility of exhuming the buried gold by hydraulic process was placed before Mr. J. B. Hobson, a celebrated Californian mining engineer. In 1892, on behalf of a syndicate composed chiefly of directors of the Canadian Pacific Railway, he obtained a large area of mining ground on the South Fork of Quesnel River, which later passed into the hands of the Consolidated Cariboo Hydraulic Company. Water was brought from Bootjack Lake and Polley Lake, nineteen miles, and Morehead Lake, ten miles distant, and stored in artificial dams and in Dancing Bill's Gulch. Thirty-three miles of canals were built, with a capacity of six thousand miners' inches of water under a head of four hundred and twenty feet. The whole works were on a colossal scale. During the first years of operations, besides what was taken out by the former owners (estimated at about \$1,000,000), the consolidated company recovered gold valued at \$1,208,734. This successful work interested certain large New York capitalists and, in 1906, the venture was purchased by the Guggenheim Exploration Syndicate. The financial crisis of 1908 prevented active operations for some time. Lately the Quesnel Hydraulic Gold Mining Company, of which Mr. A. W. DuBois is manager, has taken over the whole undertaking.

Amongst other hydraulic mining in Cariboo may be mentioned the very successful work of Mr. John Hopp on Stouts Gulch, and that of Mr. Patenaude on the Horsefly.

Vancouver Island and the neighbouring territory also attracted attention during the period of lode mining. But though many claims were located, only three camps were developed, Texada Island, Mount Sicker, and Britannia. On the former, the Van Anda mines, which included the Copper Queen, Cornell, and other claims, were worked in a more or less inexperienced way during the years from 1895 to 1899. The ore was a bornite or "peacock copper," carrying values as high as \$40 a ton. Systematic work was begun about 1899, a small smelter was erected, and for some years these mines produced quite extensively. They had a chequered life—periods of activity, broken by reorganizations and transfers from company to company. Close by were the Marble Bay mines, which have been steady producers for about fifteen years.

On Mount Sicker were located the Lenora, Tyee, and Richard III. These were located about 1896. The ore bodies did not occur





GENERAL VIEW OF TYEE SMELTER, LADYSMITH

in veins, but like the majority of Vancouver Island deposits in lenticular masses, filling the cleavages produced when the rocks were folded and contorted. With increasing depth, the ore maintained its values, which were in gold, silver, and copper. During 1900 the Lenora shipped about seven thousand tons, having an average value of \$20 a ton.<sup>31</sup> A narrow gauge railway was built to enable the product of this mine to be carried to Crofton on Osborne Bay, where a smelter was erected. The Tyee ore was brought to a point on the Esquimalt & Nanaimo Railway by means of an aerial tramway. It was thence transported to Ladysmith, where one of the most complete smelters on the coast was erected. In a few years the Lenora ground was worked out, the ore body being found to run into the Tyee. The latter, however, continued to produce from fifty to sixty thousand tons a year from 1902 down to about 1907. It was the banner mine of Vancouver Island. The underground workings measured over two miles. It paid large dividends to its shareholders for many years. The ore bodies were gradually exhausted, after producing a total value of over \$2,000,000. Herculean efforts were made to find other deposits at lower levels, but unsuccessfully. The smelter was, under the able management of Mr. W. J. Watson, altered into a custom smelter to suit the altered conditions. In 1912 it was closed. Recent reports indicate that the Tyee company have obtained a new mine, the Ptarmigan, on the line of the Nanaimo-Alberni Railroad, and it is expected that the smelter will soon be re-opened.

About Christmas, 1898, some trappers discovered, about three miles from the eastern shore of Howe Sound, a zone of mineralized schist. This was the celebrated Britannia mine. They reported their find to Mr. Joseph Boscowitz, a wealthy fur-dealer of Victoria. Examination disclosed an immense shapeless body of ore of exceedingly low grade. Development was carried on in various parts of the claim in the hope that values would increase with depth. Many attempts were made and much capital expended in this effort and, later, in endeavoring to concentrate the ore. During all this time shipments were made to the smelters at Crofton and at Ladysmith. Though almost disheartened, the company persevered and was at last rewarded by finding a large chute of good shipping ore.

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<sup>31</sup> Mining Report, 1901, p. 928.



The trials and disappointments were ended and the company entered upon an era of prosperity, which still continues.

In all these districts hundreds of claims were recorded, many of which developed into mines and obtained a local importance. It is manifestly impossible, as it would be inadvisable, to attempt to enter into these details, which pertain rather to statistics than to history. The mere outline of the representative mine of each region has, therefore, only been given and the story followed only so far as it seemed to bear upon the general development. Especially in the neighborhood of Rossland, prices of all kinds of mining claims, with most alluring names, became for a time abnormally high, especially if the enterprising prospector could produce a bit of rusty-stained rock with a little pyrites. This passed current as "iron capping" and to the optimist gave promise of "high values in depth." Many companies were formed, a few thousand dollars of treasury stock sold, a few hundred feet of work done without discovering an ore body or proving up a mine, and then the fore-ordained collapse. These are evils incident to every mining excitement. Soon, however, the stage of frantic speculation passes away and is succeeded by that of business-like development.

The one great need of all the mining camps of British Columbia was railway facilities. The Lardeau, Camp McKinney, and Fairview Camps being free-milling, could struggle along without such assistance, but Rossland, Nelson, Slocan, Ainsworth, East Kootenay, and the Boundary were helpless. Their continual cry was for railroads, either to enable them to ship their ores to smelters in the United States, or to allow coke to be brought to smelters to be erected in their vicinity as well as to afford them means for the introduction of the necessary heavy mining machinery. Hence it is not surprising that from 1890 for a period of four or five years the Legislature was fairly bombarded with applications for private bills to construct railroads in the mining region and for assistance to enable such construction to be undertaken. Up to 1899, seventy-three railway companies had been incorporated in the province. Of these, twenty-seven were for railways in Kootenay, eleven of which were incorporated between 1890 and 1893 and ten in 1897 and 1898. Out of the seventy-three charters, only eleven constructed their lines.<sup>82</sup>

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<sup>82</sup> Sessional Papers, 1899, pp. 905-8.





BRITANNIA BEACH



BRITANNIA MINE—UPPER WORKINGS



QUINSELLE HYDRAULIC MINING CO.'S CAMP, 20-MILE CREEK AND QUINSEL RIVER







The first railroad to give access to Kootenay Lake was the Columbia & Kootenay, which, though projected in 1883, was not built until 1892. It connected Nelson with Robson on the Columbia River, a distance of nearly twenty-eight miles, and cost \$589,000 exclusive of the bridge over the Kootenay River.<sup>83</sup> The Nelson and Fort Sheppard Railway connecting Nelson with the Spokane Falls & Northern Railway at Northport, where the LeRoi Company afterwards erected a smelter, a distance of fifty-nine and one-half miles, was built in 1895. Thus an outlet was given, enabling the ores of the district to reach the smelters of Helena and Butte.

To reach the silver lead region of Slocan, the Canadian Pacific Railway and the Great Northern Railway both threw out feeders. The former built the Nakusp & Slocan to draw the business of the region to the Columbia River; the latter built the Kaslo & Slocan, a narrow gauge road, to take the trade by way of Kootenay Lake. The Nakusp & Slocan was commenced in July, 1893, and opened for traffic as far as Three Forks, thirty-three miles, in 1894. In the following year it was extended to Sandon, four miles further. The Kaslo & Slocan from Kaslo on Kootenay Lake to Cody, thirty-two miles, was opened in the same year. Thus early in its history Slocan obtained connection with the outside world. A third line was soon built into the Slocan District. This was a branch of the Columbia & Kootenay, which, diverging from its main line at Slocan Junction, extended to Slocan City on Slocan Lake, thirty-three miles distant.

As in the case of Slocan, so in the case of the Rossland or Red Mountain mines, rival lines were built. The Red Mountain Railway, a branch of the Spokane Falls & Northern Railway (Great Northern Railway system), some nine and one-half miles in length, connecting Rossland with Northport, was built in 1897. In the same year a narrow gauge section of the Columbia & Western Railway (Canadian Pacific Railway system) was constructed from Robson to Rossland.

All these lines, except the Red Mountain and the Nakusp & Slocan, received from the province a grant of ten thousand, two hundred and forty acres per mile, and from the Dominion \$3,200 per mile. The former received no assistance. The latter obtained a guar-

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<sup>83</sup> Sessional Papers, 1894, p. 1205.

antee of payment of its bonds for construction not exceeding \$17,500 a mile, together with interest at four per cent for twenty-five years. This sum was supposed to be \$925,000, but it proved to be much less, viz., \$647,072.<sup>34</sup>

The land grant to the Columbia & Kootenay Railroad amounted to two hundred thousand acres; to the Nelson & Fort Sheppard, six hundred and fourteen thousand, four hundred acres; to the Kaslo & Slocan two hundred and eighty-one thousand, two hundred and twenty-seven acres.<sup>35</sup>

In the early days of railroads in Kootenay the steamers on the Columbia River connected Revelstoke on the Canadian Pacific with Robson on the Columbia & Kootenay. But about 1896 the branch from Revelstoke to Arrowhead on the Upper Arrow Lake, about twenty-eight miles in length, was built. Under the provisions of the Railway Aid Act, 1890, a grant of twenty thousand acres per mile was made in aid of its construction.<sup>36</sup>

To give access to the mines of the Boundary District, the Columbia & Western Railway Company was incorporated in 1896. It was to receive a bonus of twenty-thousand acres per mile. This line was completed from Trail to Midway, one hundred miles, in 1899. Starting from Trail, the railway followed the Columbia River through West Robson; at a point some eighteen miles beyond that town, it left the river and, continuing westward, crossed the mountain range, at the summit of which a tunnel of about three-fourths of a mile in length was found necessary. On the western side of the mountains it turned southward, following the eastern shore of Christina Lake, crossing the Kettle River at Cascade and again at Grand Forks. Thence it ascended the north fork of the Kettle River as far as Brown's Creek, which it followed to the dividing summit and, crossing to the head waters of Boundary Creek, followed that stream southward past Greenwood to Midway.<sup>37</sup> Though entitled to build from Midway to Penticton on Okanagan Lake, that section was not constructed owing to an arrangement made with the Turner Government in 1898, whereby it was to form a part of the railway to be built by Messrs. Mackenzie & Mann from the coast to Kootenay. The difficulties

<sup>34</sup> Statutes, B. C., 1893, c. 37; Sessional Papers, 1899, p. 908.

<sup>35</sup> Journals, 1898, p. 42.

<sup>36</sup> Statutes, B. C., 1890, c. 40.

<sup>37</sup> Mining Report, 1899, p. 750; Journals, 1903, app., pp. LXII, CXV.

which arose in connection with the grant of land to this railway will be dealt with in considering the last days of the Prior Government.

Closely linked with the Columbia & Western is the British Columbia Southern, as the charters for both became the property of the Canadian Pacific Railway Company. This road extends from a point at the southern end of Kootenay Lake *via* Goat River, Moyie, Cranbrook, Wardner, and Elk River to Crow's Nest Pass. Incorporated in 1888 as the Crow's Nest & Kootenay Lake Railway Company, it was offered by the Railway Aid Act, 1890, a grant of twenty thousand acres per mile in aid of construction. Nothing, however, was done, and in 1894 the scheme was revived as the British Columbia Southern and the old bonus declared to apply to it. The time for construction having expired, an extension was granted in 1896 so as to enable the company to earn the grant, which included valuable areas of coal lands in the Crow's Nest Pass. Besides the grant from the province, this railway, in consideration of the transfer to the Dominion Government of fifty thousand acres of these coal lands, received aid to the extent of \$10,000 a mile. Begun in 1896, the whole line, some two hundred and two miles in length, was completed by 1900. Its land grant amounted to three million, six hundred thousand acres and included a large portion of the Crow's Nest Pass coal fields.<sup>38</sup>

The stimulus which the advent of these railways gave to the mining industry in Kootenay and the vicinity is well shown by the following tabulation:<sup>39</sup>

Year.	Gold		Silver		Lead		Copper		Total values.
	oz.	value.	oz.	value.	pounds.	value.	pounds.	value.	
1887	....	\$ .....	17,690	\$ 17,331	204,800	\$ 9,216	.....	\$ .....	\$ 26,547
1888	....	.....	79,780	75,000	674,500	29,813	.....	.....	104,813
1889	....	.....	53,192	47,873	165,100	6,498	.....	.....	54,371
1890	....	.....	70,427	73,948	<i>Nil</i>	<i>Nil</i>	.....	.....	73,948
1891	....	.....	4,500	4,000	<i>Nil</i>	<i>Nil</i>	.....	.....	4,000
1892	....	.....	77,160	66,935	808,420	33,064	.....	.....	99,999
1893	1,170	23,404	227,000	195,000	2,135,023	78,996	.....	.....	297,400
1894	6,252	125,014	746,379	470,219	5,662,523	169,875	324,680	16,234	781,342
1895	39,264	785,271	1,496,522	977,229	16,475,464	532,225	952,840	47,672	2,342,397
1896	62,259	1,244,180	3,135,343	2,100,689	24,199,977	721,384	3,818,556	190,926	4,257,179
1897	106,141	2,122,820	5,472,971	3,272,836	38,841,135	1,390,517	5,325,180	266,258	7,052,431
1898	110,061	2,201,217	4,292,401	2,375,841	31,693,559	1,077,581	7,271,678	874,781	6,529,420
1899	138,315	2,857,573	2,939,413	1,663,708	21,862,436	878,870	7,722,591	1,351,453	6,751,604
1900	167,153	3,453,381	4,958,175	2,309,200	63,358,621	2,691,887	9,907,080	1,615,289	10,069,757
1901-05	1,140,408	23,572,198	18,727,352	10,038,879	185,435,517	7,338,205	165,002,103	22,895,430	63,949,712
1906-10	1,181,713	24,426,009	13,350,082	7,406,914	222,397,745	9,687,444	214,939,001	33,485,392	75,973,931

<sup>38</sup> Journals, 1902, p. 66.

<sup>39</sup> Year Book, 1903, p. 137; Year Book, 1911, pp. 178-180.





## CHAPTER XXIX

### THE THEODORE DAVIE, TURNER, SEMLIN, MARTIN, AND DUNSMUIR GOVERNMENTS—ATLIN

On the death of the Hon. John Robson, the Ministry was again reconstructed as the THEODORE DAVIE GOVERNMENT: Hon. Theodore Davie, Premier, Attorney-General, and Provincial Secretary; Hon. F. G. Vernon, Chief Commissioner of Lands and Works; Hon. J. H. Turner, Minister of Finance and Agriculture; Col. James Baker, Minister of Education and Immigration; Hon. C. E. Pooley, President of the Council.

In July, 1892, the term of office of the Hon. Hugh Nelson as Lieutenant-Governor expired. His successor was Mr. Edgar Dewdney, whose name has been frequently mentioned in the preceding pages. He was one of the pioneers of the Fraser River excitement. He built the Dewdney trail over the Hope Mountains to Penticton in 1860 to give access to the mines of Similkameen and the vicinity, and in 1865 he continued it to the placers of Kootenay. He had represented Kootenay in the Legislative Council in 1870 and Yale District in the House of Commons from 1872 to 1879, when he was appointed Indian Commissioner. He became Lieutenant-Governor of the Northwest Territories in December, 1881. It was during his tenure of that office that the Riel rebellion of 1885 occurred.<sup>40</sup>

The vacancy in Cariboo, caused by the death of the Hon. Mr. Robson, was filled by the election of Dr. Hugh Watt.

The Redistribution Bill of 1890 had been stated to be merely temporary, but no step was taken by the Government to bring in the much desired equitable measure. During the session of 1892, Mr. J. C. Brown, the member for New Westminster City, had inquired whether the Government intended to bring in such a bill. The reply was curt and decisive—"No." In the Opening Speech in 1893 it was stated that "the time has arrived when the altered conditions of the province demand a change in the method of popular representation in

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<sup>40</sup> Parliamentary Companion, 1887, p. 376.

the Legislative Assembly and a measure of redistribution will, therefore, be submitted to you.”<sup>41</sup> No step being taken by the Ministry to carry into effect this promise, Mr. Cotton, one of the members for Vancouver City, after the House had been sitting nearly ten weeks, moved, “That the Government, by neglecting to bring down a Redistribution Bill as promised at the opening of this session has broken faith with this House and forfeited its confidence.”<sup>42</sup> The motion only succeeded in obtaining the support of ten members, while twenty-one rallied to the support of the Government.

The matter was referred to in the Opening Speech in 1894: “The measure of redistribution, which was necessarily postponed on account of imperfect census returns, will be introduced during the present session for your consideration.”<sup>43</sup> Later in the speech a further allusion was made to the subject. Investigation into the census returns, which had been made for the purpose of securing the necessary data, it was claimed, had disclosed the fact that several tribes of Indians had not been visited by the census enumerators, and that no allowance for their numbers had been made in arriving at the total population.<sup>44</sup> In view of the fact that Indians had no votes and that no basis of representation can be mathematically accurate, the relevancy of these remarks is not clear. Mr. J. C. Brown was again urging the subject and, on January 31st, enquired when the long-looked-for bill would be tabled. The Premier’s reply was as usual, blunt: it would be brought down in due time, but he could not name the date. The bill was introduced on February 16, 1894. On the motion to go into Committee the opposition presented a lengthy amendment dealing with the financial condition of the province, claiming that the public accounts showed that the Government were ignoring the rights of the House by the issuance of special warrants, and that the deficit for 1893—\$661,109—proved their inability to manage affairs economically.<sup>45</sup> The motion was defeated, twenty-one to ten. The order for the second reading was discharged and the bill re-introduced by message, and duly passed. No change was made in the number of members, which remained at thirty-three, but a great alteration was made in the proportion existing between island and mainland. Here-

<sup>41</sup> Journals, 1893, p. 2, Jan. 26, 1893.

<sup>42</sup> Journals, 1893, p. 117, April 7, 1893.

<sup>43</sup> Journals, 1894, p. 1, Jan. 18, 1894.

<sup>44</sup> *Id.*, p. 2.

<sup>45</sup> Journals, 1894, p. 44, Feb. 20, 1894.







PARLIAMENT BUILDINGS, VICTORIA

tofore the mainland had always had one member more than the island, but now the mainland was accorded nineteen members, the island but fourteen. In detail, the representation as fixed in 1894 was: on the mainland—Cariboo, 2; Cassiar, 1; New Westminster City, 1; New Westminster District (four ridings), 4; Kootenay (three ridings), 3; Vancouver City, 3; Yale (three ridings), 3; Lillooet (two ridings), 2; on the island—Cowichan-Alberni, 2; Comox, 1; Esquimalt, 2; Nanaimo City, 1; Nanaimo District (two ridings), 2; Victoria City, 4; Victoria District (two ridings), 2.

The very earliest pictures of Victoria, after it emerged from the fort state, show a collection of five quaint pagoda-like structures scattered over the Parliament grounds. They were the Government buildings, erected in 1859 at a cost of over \$100,000, and consisted of the Administration building, Courthouse, Legislative Hall, Lands and Works building, and the Printing Office. The Assembly had met in the Legislative Hall, during the days of the Crown Colony and since the union. The development of the province, the increase in population and in importance, the growth of the public business, and the general unsuitability of these picturesque buildings to the new conditions urgently pointed out the necessity for a new home, not only for the Legislature, but for the various departments of the Government. The Hon. Mr. Davie faced the situation boldly and, in 1893, by message from the Lieutenant-Governor, introduced an act to authorize a loan of \$600,000 for the erection of new Parliament buildings.<sup>46</sup> The proposal was strongly, almost bitterly, opposed on the mainland. It threatened for the moment to revive in all its pristine vigor the old Island vs. Mainland feeling which, with the new conditions, had almost disappeared. It was claimed that the centre of gravity of the province had changed and that this was a move to "anchor" the capital and prevent its being removed to the mainland; and further, it was urged that the financial condition forbade such an extravagant and totally unnecessary expense. The sum stated was soon seen to be clearly insufficient. In February, 1894, a return was presented, showing that the lands purchased and the contracts let, even then amounted to \$686,425.<sup>47</sup> The buildings were completed in 1897 and were formally opened by the session of the Legislature in 1898. The total cost was given on February 24, 1898, as: Land,

<sup>46</sup> Journals, March 8, 1893.

<sup>47</sup> Sessional Papers, 1894, vol. 1, p. 943.

\$56,206; buildings, \$822,111; furniture, \$35,343; retaining wall, cost of removing the old buildings and levelling the grounds, \$21,368; additional work, \$46,331; total, \$981,359.<sup>48</sup>

The architect was Mr. F. M. Rattenbury; the superintendent, Mr. E. C. Howell; the contract for the construction was awarded to Mr. Frederick Adams. The gray stone of the buildings was obtained at Haddington Island; the granite steps and landings from Nelson Island; the slate for the roofs from Jervis Inlet; the marble for the interior came from the Italian quarries of Breccia, Paranazzo, and Verona St. Ambrozia. The large monolithic columns of the Legislative Hall are of green Cippolino. The finishings and panellings of the committee rooms are of bird's-eye maple, cypress, fir, cedar, alder, and spruce.

The buildings themselves present a long front rising in the centre into a noble dome. At each end is a semi-detached building connected with the main structure by a colonnade. Built in the classic Italian style, the appearance of the whole is most stately. The engraving shown on the opposite page gives some idea of their extreme grandeur and magnificence. In a very short time the wisdom of the course became apparent. Today every resident of the province points with pride to these stately buildings, which are the admiration of all beholders.

The aid given to the Nakusp & Slocan Railway, a portion of the Canadian Pacific Railway from Nakusp to Three Forks, came in for much criticism during the session of 1894. The opposition objected to the arrangement whereby the Government had taken the option of guaranteeing the interest at four per cent on \$25,000 per mile, or of guaranteeing the principal and interest at \$17,500 per mile, and in pursuance thereof has selected the latter and more expensive guarantee. The province received in return the Dominion Government subsidy \$118,400, and forty per cent of the gross earnings. It was claimed that the Government had been acting more in the interest of the company than of the province. A Royal Commission was appointed to investigate the charge, with the result that it was found to be baseless. These debentures fall due in 1918. The forty per cent received by the province has never equalled the interest (four per cent on \$647,072). In 1897 this percentage amounted to \$18,464, but it has steadily decreased. In 1910 it had fallen to \$5,191. Up to

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<sup>48</sup> Journals, 1898, pp. 30, 48, 162; Journals, 1899, p. 90.

that date the province had paid out on this guarantee \$160,643 more than it had received from the Dominion subsidy and the yearly percentage of earnings.<sup>49</sup>

During May and June, 1894, owing to an unprecedented freshet in the Fraser River, the low-lying lands of Chilliwack, Sumas, Matsqui, Nicomen, Langley, and Delta were overflowed. At Port Haney the wharf was three feet under water; at Fort Langley the water was several feet deep in the houses; on Nicomen Island nothing but the roofs of the houses was in many cases visible; the Chilliwack, Sumas, and Matsqui prairies were covered to such a depth that the steamers *Gladys* and *Courser* went at will over them, gathering the stock and transferring it to higher spots. Fences, bridges, and other structures floated away and went drifting down the freshet-swollen river. At Agassiz, Popcum, Mission, and Sumas the settlers were enabled by the proximity of high land to save a large proportion of their stock and goods. The Government set to work energetically, and by timely aid succeeded in rescuing the people and their live-stock and removing them to safe situations. Temporary shelters were provided and relief supplies of food and other necessities were rushed into the flooded area. On the subsidence of the waters, quantities of seed of every variety were furnished to some six hundred and sixty-six settlers, either as gifts or as loans, as the circumstances justified. The flood itself was not an unmixed evil, as it cogently showed the necessity of proper and comprehensive dyking schemes for the protection of those rich farming districts.<sup>50</sup>

The Legislature was dissolved on June 5, 1894. The elections took place in July. There was no principle at stake—no great issue involved. But the opposition strongly urged—and with some show of reason—that the increase of the gross public debt from \$1,843,154 in June, 1891, to \$3,904,807 in 1894, was evidence of incompetency or mismanagement, or both. In this amount, however, were included the two loans for the Parliament buildings, \$600,000 and \$300,000. Their cry was for a Government that would live within its income. The assistance to railways at a time of depression when every dollar of public money was urgently required for provincial uses was vigorously condemned. At that time the Shuswap & Okanagan guarantee was absorbing about \$43,000 per annum, the Victoria & Sidney \$6,000, besides the Nakusp & Slocan. The Davie Govern-

<sup>49</sup> Public accounts, 1911, p. C. 19.

<sup>50</sup> Report of Provincial Secretary, 1894-5, pp. 447-51.



ment went to the people with a majority of about twelve. When the conflict was over, they were found to be returned with a majority of about nine. But in the struggle, one Cabinet member—the Hon. F. G. Vernon—had fallen. He was almost immediately appointed Agent-General for the province in London, a position which he held until 1899.

The members of the Seventh Legislature were: Victoria City, R. P. Rithet, Hon. J. H. Turner, H. D. Helmcken, and John Braden; Esquimalt, Hon. C. E. Pooley and D. W. Higgins; Cowichan-Alberni, Hon. Theodore Davie and Major Mutter; Nanaimo City, James McGregor; Nanaimo District, John Bryden and Dr. W. W. Walkem; Comox, Joseph Hunter; Victoria District, D. M. Eberts and John P. Booth; New Westminster City, J. B. Kennedy; New Westminster District, C. B. Sword, Thomas Forster, Thomas Kidd, and Thomas E. Kitchen; Yale, G. B. Martin, Donald Graham, and Charles A. Semlin; Lillooet, J. D. Prentice and A. W. Smith; Cassiar, John Irving; East Kootenay, Hon. James Baker; West Kootenay, J. M. Kellie; South Kootenay, J. Fred Hume; Cariboo, S. A. Rogers and William Adams; Vancouver City, A. Williams, Robert McPherson, and F. L. Carter-Cotton.

The election of Mr. J. D. Prentice for East Lillooet having been attacked, an act was passed in 1895 whereby he was secured in the seat for that session, but with the proviso that an election should be held after its termination. This resulted in the return of Mr. David A. Stoddart.

The vacancy caused by the resignation of the Hon. Theodore Davie was filled in April, 1895, by the election of Mr. Thomas A. Wood; but upon proceedings taken by election petition the election was declared void. At a subsequent election in the fall of 1895, Mr. George A. Huff was returned.<sup>51</sup> During the session of 1897, Mr. Thomas E. Kitchen, the member for Chilliwack riding of Westminster District, died. Mr. Adam S. Vedder was elected as his successor, and took his seat in 1898.<sup>52</sup>

In November, 1894, Lord Aberdeen, the Governor-General of Canada, accompanied by the Countess of Aberdeen, visited the province. Arriving by the Canadian Pacific Railway, they first visited Vernon, near which city His Excellency owned a thousand acre fruit ranch, the celebrated Coldstream. After formal recep-

<sup>51</sup> Journals, 1896, p. 4.

<sup>52</sup> Journals, 1898, p. 3.





LEGISLATIVE ASSEMBLY, 1894, SEVENTH PARLIAMENT



LEGISLATIVE ASSEMBLY, THIRD SESSION, SEVENTH PARLIAMENT

tions, Lord and Lady Aberdeen spent some days of quiet country life on this magnificent estate. Resuming their journey, they received a royal welcome at Vancouver, where thousands gathered to express by their presence their loyalty to the Throne. The shipping was in gala attire; arches adorned the streets; tasteful decorations beautified the buildings. Addresses were received from the City Council, the Board of Trade, and St. George's Society. On Hallowe'en the Governor-General was the guest of honour at an elaborate banquet given by the St. Andrew's and Caledonian Society. After visiting the schools and other public buildings, His Excellency formally opened the exhibition of the Art, Historical, and Scientific Association. On their arrival at Victoria a similar welcome was extended. Scotch societies and Scotch music were prominent in the demonstration. Addresses from the Board of Trade, the St. Andrew's and Caledonian Society, the Alexandra Club, and the Sons of Erin were presented. Here, too, the schools were the subject of their particular solicitude. After visiting Duncan's and Nanaimo and meeting similar expressions of loyalty and gladsome welcome, they returned to Vancouver. New Westminster was also visited and there, as elsewhere, the same joyous reception was accorded the Vice-regal party. The schools of that city came in for a share of attention. Perhaps the most prominent feature of Lord Aberdeen's visit (next to the kindly intelligent interest manifested by himself and the Countess in all matters relating to the well-being of the people) was their sympathy with the children and their desire to see them and the schools. On the return journey a short stay was made at Kamloops. His Excellency was the recipient of numerous addresses from the different public bodies and societies. Resuming their route, the party after a short visit to Field passed out of the province, having spent about a month in our midst, and leaving behind them naught but kindest memories.

During the session of 1894-95, which opened on November 12th, the effects of the flood of the preceding summer were seen in the agreement of the Government to guarantee the interest at four per cent for twenty years on bonds for dyking Pitt Meadows, \$60,000; Sumas, \$18,000; Coquitlam, \$70,000; Maple Ridge, \$126,000. The session closed on February 21st, and on March 4th the Hon. Theodore Davie resigned the Premiership to accept the office of Chief Justice of British Columbia, made vacant by the death of Sir Matthew Baillie Begbie on June 11, 1894.



The ministry was once more reconstructed, as the TURNER GOVERNMENT: Hon. J. H. Turner, Premier and Minister of Finance and Agriculture; Hon. James Baker, Provincial Secretary, Minister of Mines, and Minister of Education and Immigration; Hon. G. B. Martin, Chief Commissioner of Lands and Works; Hon. D. M. Eberts, Attorney-General; Hon. C. E. Pooley, President of the Council.

As the Turner Government was the last in the chain of direct descent from the Smithe Government of 1883, the revenue and expenditure from that date to the end of the Turner Government, 1898, and the increase of the debt for the same period are given:

Year	Revenue	Expenditure	Deficit
1884.....	\$ 503,173.....	\$ 590,629.....	\$ 87,456
1885.....	600,398.....	655,437.....	55,039
1886.....	514,719.....	772,211.....	257,492
1887.....	540,398.....	713,151.....	172,753
1888.....	608,678.....	745,975.....	137,297
1889.....	706,779.....	816,267.....	109,488
1890.....	845,522.....	911,408.....	65,886
1891.....	964,943.....	993,855.....	28,912
1892.....	1,038,237.....	1,373,431.....	332,194
1893.....	1,019,206.....	1,431,438.....	412,232
1894.....	821,660.....	1,514,405.....	692,745
1895.....	896,025.....	1,906,924.....	1,010,899
1896.....	989,765.....	1,614,723.....	624,958
1897.....	1,383,048.....	1,569,071.....	186,023
1898.....	1,439,623.....	2,001,031.....	561,408

These constantly recurring deficits on ordinary expenditures amounted to \$4,734,782. To meet them, and to provide for capital expenditures, recourse was had repeatedly to loans. The following tabulation shows how quickly the bonded debt of the province was growing:

Year	Gross Debt
1884 .....	\$ 770,812
1885 .....	800,258
1886 .....	976,911

Year	Gross Debt
1887 .....	1,157,001
1888 .....	1,780,125
1889 .....	1,772,871
1890 .....	1,797,820
1891 .....	1,843,154
1892 .....	2,876,036
1893 .....	3,187,456
1894 .....	3,904,807
1895 .....	6,499,688
1896 .....	6,469,768
1897 .....	6,586,004
1898 .....	7,425,262

This condition of affairs was truly appalling. It had been fondly hoped when the taxation was increased in 1896 that the added revenue thereby obtained would have enabled the necessary public works, especially in the Kootenay mining region, to be carried on and, at the same time, establish a nearer approach to an equality between income and expenditure. Yet in 1897, as the above figures show, though the revenue was increased by nearly \$400,000, the deficit was over \$186,000. Criticism of the Government became more general, more emphatic, day by day. The demand was insistent: the country must live within its income. Continuous borrowing must cease. Still, each year the Finance Minister reported the usual deficit.

The Turner Government were also attacked in regard to their dealings with railroads, particularly the Columbia & Western and the British Columbia Southern.

The Dominion elections were held in June, 1896, when for the first time in her history British Columbia sent a majority of Liberal members. Those elected were: Yale-Cariboo, Hewitt Bostock; New Westminster, Aulay Morrison; Vancouver Island, W. W. B. McInnes; Victoria, Hon. E. G. Prior and Thomas Earle; Burrard, G. R. Maxwell.

Lieutenant-Governor Dewdney's term of office expired in November, 1897. His successor was Thomas R. McInnes, at that time one of the Senators of the province. Governor McInnes, who was born in Nova Scotia in 1840, and had served as a surgeon in the American

Civil war, had been a resident of British Columbia since 1874. Entering at once into municipal life at New Westminster, where he had made his home, he was soon elected a member of the House of Commons as representative for New Westminster. From 1878 until his appointment to the Senate in December, 1881, he sat for that constituency.<sup>53</sup>

The vacancy in the Senate, caused by the appointment of Lieutenant-Governor McInnes, was filled in November, 1897, by the selection of William Templeman of Victoria.

On the night of September 10, 1898, a disastrous fire destroyed the whole business section and a considerable portion of the residential section of the city of New Westminster. Three and four story brick and stone buildings crumbled and fell as though built of inflammable material. The burned district covered an area of over one hundred acres. "But," as Lieutenant-Governor McInnes said in opening the Legislature in 1899, "the energies and courage of her citizens rose to the emergency, and, encouraged by the sympathy and material assistance of the people of all parts of Canada, they put forth such efforts as have already caused the city to rise from its ashes." And the Royal City rose again with a dignity and importance of aspect worthy of her future.

The rush to the Klondike gold region—a rush, the greatest in the history of the Pacific slope—occurred in 1897. These diggings lay in the Yukon Territory, outside our boundary. In fact, the Province of British Columbia obtained very little benefit from them, for the energetic merchants of Seattle, in the neighboring State of Washington, early succeeded in directing the line of the advance through that city and thus obtained the fruits of a mining country not politically tributary to the United States. As ever happens, some of the miners branched off from the regular route. Early in 1898, Fritz Miller, a German, and Kenneth McLaren, a Canadian, left the Klondike trail at Bennett and travelling on the ice, crossed Taku Arm and Atlin Lake. Discovering Pine Creek, they ascended it and staked a placer claim about six miles from its mouth, where Pine City was later built. Here was a district somewhat resembling Kootenay in its north and south lake system, but the mountains were less rugged, appearing as low, rounded groups with wide valleys or

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<sup>53</sup> Canadian Parliamentary Companion, 1887, p. 44.







Courtesy of Provincial Bureau of Mines

HAZELTON, BULKLEY VALLEY, PACK-TRAIN LOADING



B.C. Bureau of Mines

QUESNELLE HYDRAULIC MINE, HYDRAULIC

low slopes between them. Dearth of supplies forced them to visit Juneau; the news of the discovery leaked out; they were followed; soon their secret was known to the world. Then came the stampede of 1898. The new-comers found old and rotten sluice boxes and other evidences showing that the former generation of miners had penetrated into this vicinity many years before. All the available ground on McKee Creek, on Pine Creek, and its tributaries, and on Spruce, Boulder, Willow, Wright, and other creeks was taken up. Lying along the northern boundary of the province there was difficulty in ascertaining whether Atlin was within or without our limits. Imaginary lines, like meridians and parallels, are indisputable boundaries, but, until they are laid down upon the ground, they are absolutely uncertain to the miner and prospector. The Northwest Mounted Police believed Atlin to be within the Northwest Territory, and, relying upon this opinion, many claims were located and recorded under the regulations governing that region, which allowed claims of two hundred and fifty feet. When it was determined that the district was a part of British Columbia, where a placer claim is only one hundred feet in width, great confusion prevailed. Many claims and portions of claims were "jumped" and litigation arose in every direction. To end this turmoil, Mr. Justice Irving was appointed a Special Commissioner to investigate and settle the ownership of the disputed claims and to adjust the conflicting interests. He spent about two months during the summer of 1899 hearing and deciding the disputes, and carried out his unpleasant task in a manner which evoked the highest praise from the miners. With the termination of these troubles, which had retarded the development of the mines, Atlin entered upon a period of prosperity.<sup>54</sup>

The summer of 1899 saw a great rush into these diggings. Some five thousand persons were camped on Atlin townsite on the eastern side of Atlin Lake about a mile and a half north of the mouth of Pine Creek. Steamers were plying on Taku Lake, connecting with the highest priced railroad in the world. This line of railway was only two miles in length, from Taku City to Scotia Bay, but the fare was \$2. A small steamer, the *Scotia*, was operating on Atlin Lake between Scotia Bay and Atlin City.<sup>55</sup>

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<sup>54</sup> Sessional Papers, 1900, pp. 495, 643-54.

<sup>55</sup> Year Book, 1903, p. 176.

Finding the best ground staked and provisions scarce and dear, the inevitable happened—the tide ebbed. The bed-rock varied in depth, from three to thirty, and even sixty, feet. The paystreak was a stratum of about eight feet of gravel lying immediately above the bed-rock. There seem to have been two “runs” of gold here, as on many of the Cariboo creeks. The first appears to have been associated with a peculiar yellow gravel. The gold of this “run” was of higher value than that of the later and had a strange reddish tinge. The second gold “run” was accompanied by a bluish gravel. This gold was bright, but not of as high grade as the former. Thus, Atlin gold varied in value from \$15 to \$17 per ounce.<sup>56</sup> Nuggets of considerable size were frequently obtained, for the gold was usually coarse. In 1899, a quartz nugget weighing eighty-five ounces was found on Spruce Creek; McKee Creek produced in June, 1901, a nugget of twenty-eight and three-fourths ounces, valued at \$460; Spruce Creek, in the following July, yielded one of thirty-six and one-half ounces, worth \$600. The yield for 1899 is given at \$800,000.<sup>57</sup>

Pine Creek soon became recognized as *the* creek of Atlin. During 1899 and 1900 it was worked from Nugget Point to the discovery. Here the ground was shallow, and pumps, wheels, flumes, ditches, wing-dams, and all other mining contrivances were in use. McKee and Boulder Creeks gave, during 1901, returns of about an ounce and a half per man per day. But it was early seen that Atlin was not a poor man's diggings. Except in a few spots the pay stratum was too deep and necessitated too much dead work. This situation could only be met by the use of hydraulic plants which, by water power and suitable appliances are able to remove the worthless material and win the gold much cheaper than could possibly be done by the laborious and costly method of ordinary placer mining. The first of these plants was installed in 1899 on Birch Creek by the Atlin Lake Mining Company.

Other hydraulic companies followed; and the yield of 1902—\$500,000—came largely from their operations. A few individual miners still worked on the bench claims, but the creek claims for the reason given had passed over to the companies, by whom alone they

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<sup>56</sup> Mining Report, 1901, p. 754.

<sup>57</sup> Mining Report, 1899, p. 649.







STEAMER "CALEDONIA" ASCENDING THE SKEENA



STEAMER "GLENER"—FOR ATLIN—ON TAKU ARM

could be successfully operated. When mining reaches this stage, it ceases to be a factor in the growth of the community, though it may swell the statistics and even reward the shareholders handsomely. The decline of Atlin is shown by the following figures: 1903, \$440,000; 1904, \$530,000; 1905, \$475,000; 1906, \$455,000; 1907, \$408,000; 1908, \$203,000; 1909, \$200,000; 1910, \$275,000.

The aid which the Turner Government agreed to grant to the Cassiar Central Railway was strongly opposed and caused considerable dissension in the ranks of their supporters. Mr. Warburton Pike, the celebrated traveller and hunter, who in 1892-3 had journeyed up the Stikine and thence by way of Dease Lake, Dease River, the Pelly, and the Yukon to Behring Sea, was the promoter of the scheme.<sup>58</sup> For the construction of a railway from the Stikine River to Dease Lake the company was to receive a lease for thirty-five years at the rental of \$1 per annum of seven hundred thousand acres to be selected in blocks four miles square and lying between the 58° of latitude and the northern boundary of the province and between the 128th and 131st meridians. A glance at the map will show that this gave the right of selection over the whole Cassiar mining country, which even in that very year (1897) had produced \$37,000.<sup>59</sup> In the debate on the agreement, the Government's majority fell to seven. On March 8, 1898, Mr. D. W. Higgins, the speaker, resigned his position, ostensibly as a protest against the concession, though he did not withdraw his support on other matters.<sup>60</sup> He was succeeded as speaker by Mr. J. P. Booth. The company selected eleven of the blocks and also selected a terminus; but the scheme went no further.<sup>61</sup>

With the Klondike excitement, companies for many purposes sprang into existence. The Premier and the President of the Council were much criticized, both in the House and in the opposition press, for allowing their names to be placed on the directorate of two companies, known as the Dawson City (Klondike) and Dominion Trading Corporation (Limited) and the Klondike & Columbian Gold Fields (Limited). On one division upon this subject the Government had only a majority of five—sixteen to eleven.<sup>62</sup> So bitter were

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<sup>58</sup> Through the Sub-Arctic Forest.

<sup>59</sup> Journals, 1897, pp. 130, 144, 160.

<sup>60</sup> Journals, 1898, p. 49.

<sup>61</sup> Journals, 1902, p. 143.

<sup>62</sup> Journals, 1898, pp. 17, 27, 138.

the criticisms that the Ministers, smarting under them, unwisely took criminal proceedings against the editor of the *Province* for libel. After a protracted trial the jury returned a verdict of not guilty. All signs showed that the Turner Government's life was nearing its close.

The development since 1894, especially in the Kootenay District, where the cities of Rossland, Nelson, Grand Forks, and Greenwood, besides numbers of smaller places, had risen into prominence and the phenomenal growth of the city of Vancouver, made imperative a further adjustment of the representation. The Opening Speech in 1898 stated that "a measure will be introduced to you having for its object redistribution in connection with the Electoral Districts."<sup>63</sup> When it was brought in, the opposition attacked the bill as setting "at defiance every principle of equity in representation," and asked that it be withdrawn and one introduced which would do justice to all parts of the province.<sup>64</sup> The second reading was carried by a majority of five. As showing the inequalities in this act, the names of the new constituencies, with the number of voters and the number of members, is set forth, together with the names of the members chosen in the election of July 9, 1898:

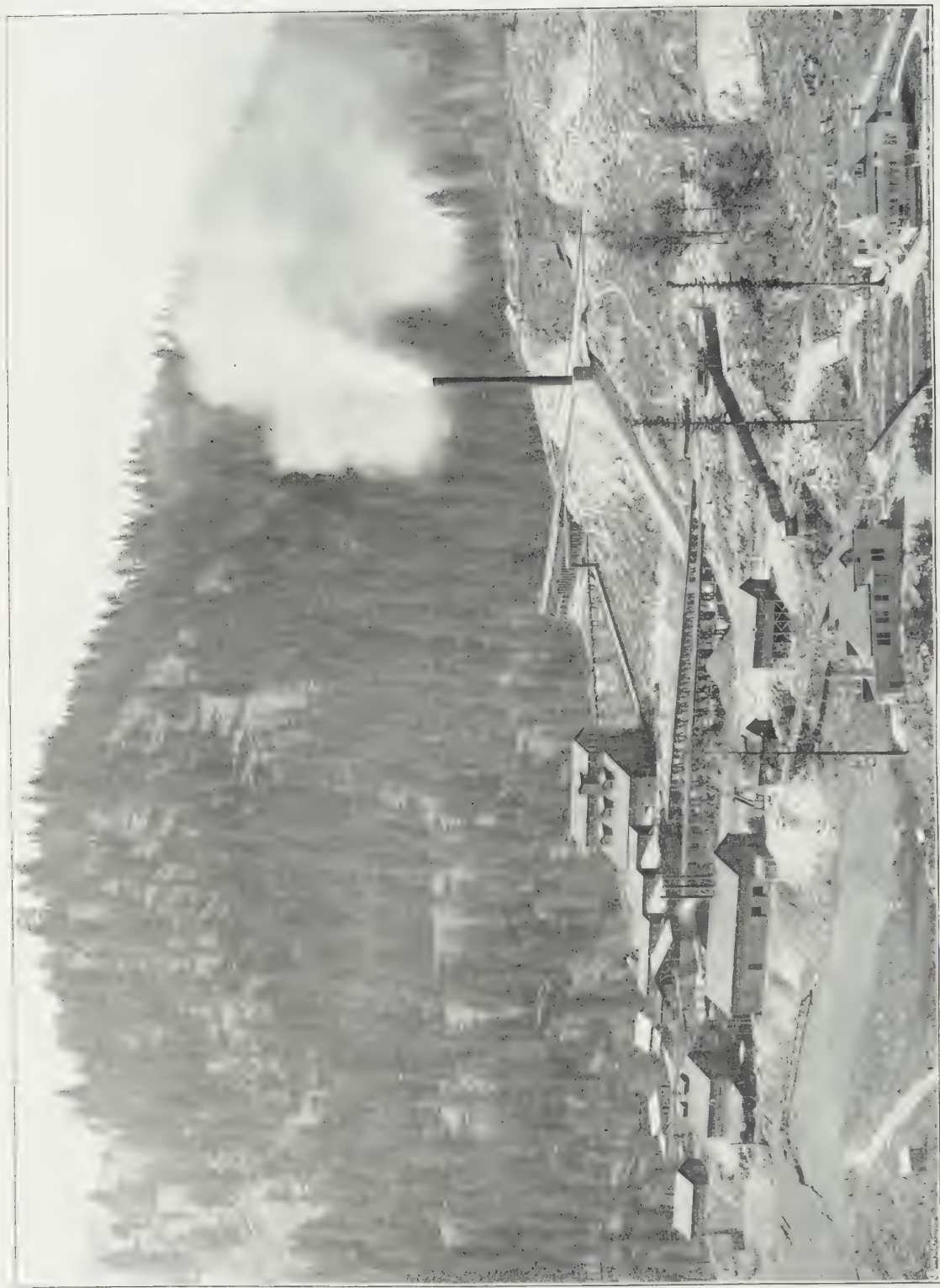
Constituency	No. of members	No. of voters	
Alberni .....	1	227	A. W. Neill.
Comox .....	1	719	James Dunsmuir.
Cowichan .....	1	503	W. R. Robertson.
Esquimalt .....	2	714	Hon. C. E. Pooley and D. W. Higgins.
North Nanaimo .....	1	768	John Bryden.
South Nanaimo .....	1	321	Ralph Smith.
Nanaimo City .....	1	1,365	R. E. McKechnie, M. D.
North Victoria .....	1	417	J. P. Booth.
South Victoria .....	1	723	D. M. Eberts.
Victoria City .....	4	5,557	J. H. Turner, Richard Hall, H. D. Helmcken, and A. E. Mc- Phillips.
Cassiar .....	2	376	C. W. D. Clifford and John Irving.
Cariboo .....	2	712	J. C. Kinchant and Hans Hel- gesen.
Kootenay East (North riding) .....	1	622	W. C. Wells.
Kootenay East (South riding) .....	1	436	Colonel James Baker.
Kootenay West (Nelson riding) .....	1	941	J. Fred Hume.
Kootenay West (Slocan riding) .....	1	1,505	R. F. Green.
Kootenay West (Revelstoke riding) .....	1	1,212	J. M. Kellie.

<sup>63</sup> Journals, 1898, p. 2.

<sup>64</sup> Id., p. 130.







BRITISH COLUMBIA COPPER CO.'S SMELTER, GREENWOOD, KETTLE RIVER MINING DIVISION

Constituency	No. of members	No. of voters	
Kootenay West (Rossland riding) . . . . .	1	1,399	J. M. Martin.
Lillooet East . . . . .	1	342	J. D. Prentice.
Lillooet West . . . . .	1	286	A. W. Smith.
Westminster District (Chilliwack riding) . . . . .	1	823	Charles W. Munro.
Westminster District (Delta riding) . . . . .	1	1,247	Thomas Forster.
Westminster District (Dewdney riding) . . . . .	1	911	Richard McBride.
Westminster District (Richmond riding) . . . . .	1	1,143	Thomas Kidd.
Yale West . . . . .	1	620	Charles A. Semlin.
Yale East . . . . .	1	1,404	Price Ellison.
Yale North . . . . .	1	1,314	F. J. Deane.
New Westminster City . . . . .	1	1,805	Alexander Henderson.
Vancouver City . . . . .	4	5,954	F. Carter-Cotton, Joseph Martin, Robert McPherson, Charles E. Tisdall. <sup>65</sup>

Amongst these thirty-eight members there were only sixteen who had sat in the last Legislature. Six of the former members had gone down to defeat. Two of the new members were destined to become very prominent in our history, though in ways totally different—Mr. Joseph Martin and Mr. (now Sir) Richard McBride. The former had been a member of the Greenway Government in Manitoba and had borne the brunt of the struggle for southern railway connection and against separate schools in that province; the latter is the present progressive, successful, and much-admired Premier.<sup>66</sup> For the first time in our history, election petitions were filed by wholesale. No less than twenty-nine petitions were launched, attacking the elections of all the members except Messrs. Deane, Prentice, Green, Smith, Clifford, and Irving. In December, 1898, these petitions, with the exception of that against Mr. Bullen, one of the members elect for Esquimalt, were abandoned. In that case, on a recount, Mr. D. W. Higgins, the ex-Speaker, was declared elected.

While matters were in this uncertain state—for no one could say what the results of the election petitions might be—and even before the deferred election was held in Cassiar, the Lieutenant-Governor, on August 8th, after some preliminary and acrimonious discussion, dismissed the Turner Government, saying: "Impressed as I am with a deep sense of my responsibility to the Crown and my duty to the people of the province, and convinced that yourself and colleagues are no longer endorsed by the electorate, and have not the confidence

<sup>65</sup> Voters' Lists for 1898, in Sessional Papers, 1899; Journals, 1899, p. xiv.

<sup>66</sup> Canadian Magazine, vol. 13, p. 424.

of the Legislative Assembly, I have decided to no longer delay in calling for other advisers." The elections had certainly gone against the Turner Government, who had only about fifteen supporters in a House of thirty-eight; but it will be remembered that when the Beaven Government were overwhelmingly defeated in 1882, Lieutenant-Governor Cornwall had allowed them to carry on the business of the country for about six months and to meet defeat in the Assembly, which has always been regarded as the proper, constitutional course, unless the Ministry see fit to resign. On the same day Lieutenant-Governor McInnes, strangely enough, called upon the Hon. Robert Beaven to form a Government. Mr. Beaven, while an old Parliamentarian, had not a seat in the Legislature, having just been defeated in Victoria. He, nevertheless, undertook the task, but, at the end of four days, acknowledged his inability to do so. Mr. Semlin, Mr. Cotton, and Mr. Martin, each of whom had his following amongst the members-elect, were the leading opponents of Mr. Turner. Learning that the separate factions of the opposition would recognize and support Mr. Semlin as leader, the Lieutenant-Governor then called upon him—a course which it would seem should have been adopted at the outset, as Mr. Semlin had been the recognized leader of the opposition in the last House. He, accordingly, accepted the responsibility.

In August, 1899, the Secretary of State, the Hon. R. W. Scott, writing to the Lieutenant-Governor, dealt with this incident, saying that the course "was a little more drastic than that usually adopted under similar conditions." Then, as though he had looked in the future and seen the events of the following February, he continued: "I should not, however, like to see you repeat so dashing a method of changing your advisers. It is always better to leave to the representatives of the people in Assembly the delicate question of deciding whether the advisers of the Lieutenant-Governor have the confidence of the country."<sup>67</sup> This letter, with other correspondence between himself and the Dominion Government, was given to the public by the Lieutenant-Governor a few weeks after his dismissal.

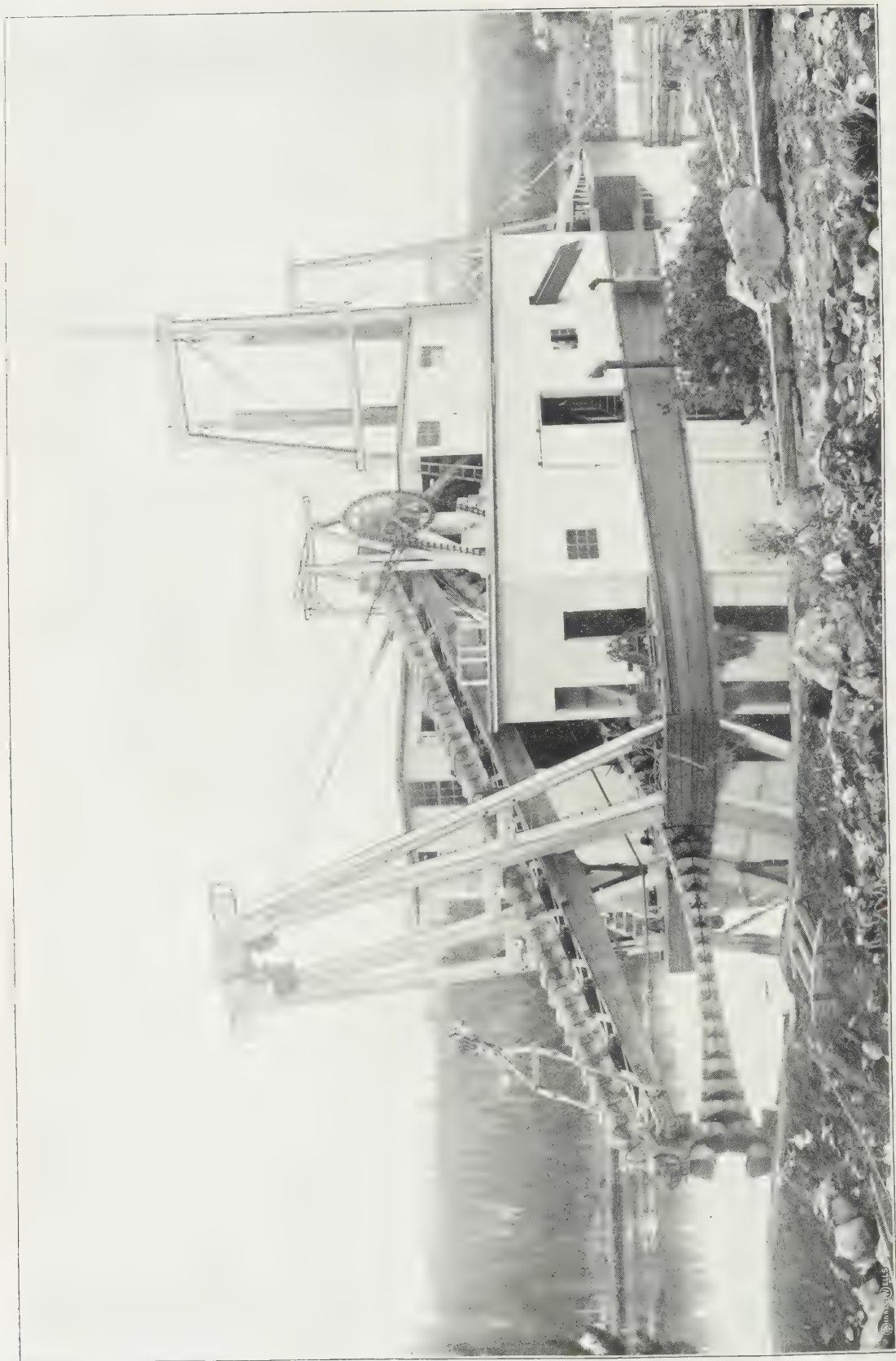
The SEMLIN GOVERNMENT consisted of: Hon. Chas. A. Semlin, Premier and Chief Commissioner of Lands and Works; Hon. Joseph Martin, Attorney-General; Hon. J. Fred Hume, Provincial Secretary and Minister of Mines; Hon. F. L. Carter-Cotton,

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<sup>67</sup> *British Columbian*, July 6, 1900.







B. A. DREDGING COMPANY'S (GOLD) DREDGE, GOLD RUN, ATLIN MINING DIVISION

Minister of Finance; Hon. R. E. McKechnie, President of the Council.

The close scrutiny into technicalities occurring during and after the recent election caused Messrs. McPhillips, Hall, Turner, Tisdall, Neill, and Robertson to resign their seats. When the session of 1899 opened on January 5th, Messrs. Neill and Robertson only had been reelected. Mr. Thomas Forster, the member for Delta riding of Westminster District, was chosen as Speaker. Owing to the absence of these four members, the Semlin Government during the early days of the session had a majority of about six, but later, when the representation was filled, that majority was decreased to three or four. On taking office this Government found a deficit of about \$1,750,000. One of its earliest acts was to borrow \$2,800,000 to meet this liability, and to raise a sum of about \$800,000 which they hoped to induce the Columbia & Western Railway Company (i. e., the Canadian Pacific Railway Company) to accept in lieu of the land grant.<sup>68</sup>

The peculiar ideas of Mr. Martin were seen in two acts of this session—the Alien Exclusion Act and the Eight Hour Law. At that time, Atlin was just coming into her own, the difficulties about locations arising from the uncertainty as to whether the diggings were in British Columbia or the Northwest Territory were being settled by Mr. Justice Irving. The former act was intended to prevent foreigners from owning and working mining claims. The American citizens resident in Atlin brought the subject to the attention of the President, and upon representations from the British Ambassador the Dominion Government disallowed it as being legislation in relation to aliens and *ultra vires* the Local Legislature. But in the meantime the country suffered from the uncertainty. The latter act also raised much trouble, especially in the metalliferous mines and in the smelters. Strong pressure was brought upon the Dominion to disallow it, but without avail.<sup>69</sup>

The enmity between Mr. Martin and Mr. Cotton, which had smouldered during the session, broke into flame during the recess. So intense did it become that it was brought before a meeting of the members supporting the Government. Having heard the voice of

<sup>68</sup> 1902, Journals, app., p. xv.

<sup>69</sup> Sessional Papers, 1900, pp. 273, 541, 920, 923.

that meeting, the Premier requested Mr. Martin's resignation as Attorney-General. The vacant portfolio was, in August, 1900, conferred upon Mr. (afterwards His Honour Judge) Alexander Henderson, the member for New Westminster. To add to the troubles of the Hon. Mr. Semlin, the Lieutenant-Governor urged that under the circumstances he should meet the Legislature by the end of October or appeal to the electorate. Never in our history had so early a date been fixed: the earliest was the first session of the Seventh Legislature, which opened on November 12, 1895. The Hon. Mr. Semlin objected to following either course and succeeded, through the good offices of the Secretary of State, in having his own way (to which under responsible government he was entitled) and the session was called for January 4, 1900.

We have now entered a storm area where the winds and the waves are variable and uncertain—a period which the future historian will find replete with interest but which is too near to the present day to enable its events to be set in proper perspective. We must content ourselves with a bare outline of its principal incidents.

Mr. Martin went into opposition to the Semlin Government and the session of 1900, which opened on January 4, 1900, saw in him the most vigorous assailant of the Ministers and their actions, official and personal, past and present. Weakened by his defection, battered by his bitter attacks, and crippled by the capricious and precarious support of one of their adherents, the Ministry hobbled along for about six weeks, sometimes with a majority of one on the floor of the House, sometimes on the casting vote of the Speaker. Personalities and mutual recriminations were indulged in; time-killing strategies were resorted to; and the whole arsenal of Parliamentary obstruction ransacked for weapons to annoy and hamper the Ministry.<sup>70</sup> While this condition prevailed, the Semlin Government, following in the steps of the Elliott Government of 1878, introduced a redistribution bill, of which no mention had been made in the Opening Speech. Mr. Joseph Martin supported the Ministry on this bill until it reached its second reading. Then Mr. Turner, the leader of the opposition, moved in amendment that the bill be not read a second time until full and adequate information and maps were submitted to the House showing the boundaries of the proposed electoral

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<sup>70</sup> Journals, 1900, Feb. 15.



divisions, together with statistics of the number of voters in each. Theretofore the divisions had been twenty to seventeen, but on this amendment Mr. Martin voted against the Government, and, worse than that, carried with him Mr. J. D. Prentice, thus making the vote nineteen to eighteen against the Government.<sup>71</sup>

On this defeat, Lieutenant-Governor McInnes immediately intervened. He gave the Premier until February 27th to decide whether he would resign or ask for a new election. Mr. Semlin did neither; but in the interval arranged a coalition with certain members of the opposition—Messrs. Baker, Irving, and Helmcken—and informed the Governor that the Government had control of the situation by a good working majority. Notwithstanding this information, Lieutenant-Governor McInnes, at noon on February 27, 1900, dismissed the Semlin Ministry. That very afternoon the House, on the motion of Mr. Semlin, adopted, by a vote of twenty-two to fifteen, a resolution that "this House being fully alive to the great loss, inconvenience, and expense to the country of any interruption of the business of this House at the present time, begs hereby to express its regret that His Honour has seen fit to dismiss his advisers, as in the present crisis they have efficient control of the House."

During the next twenty-four hours, politicians and the public generally were earnestly debating the question—upon whom would the Governor now call: having dismissed in turn Mr. Turner and Mr. Semlin. The uncertainty was ended on the 28th, when Mr. Joseph Martin announced that he had been called upon to form a Government. The House now spoke with no uncertain voice. On the motion of Mr. Prentice—the very person whose vote had brought about the condition—by a vote of twenty-eight to one, it resolved, "That this House has no confidence in the third member for Vancouver (Mr. Joseph Martin), who has been called in by His Honour the Lieutenant-Governor to form a Government."<sup>72</sup> This vote had hardly been taken before Lieutenant-Governor McInnes arrived to prorogue the House. Then occurred an unprecedented incident, clearly indicating the feeling of the members and auguring ill for the success of the new Government. "Every member, with the exception of Mr. Joseph Martin, rose and left the hall, and the speech

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<sup>71</sup> Journals, Feb. 14, 22, 23, 1900.

<sup>72</sup> Journals, 1900, p. 79.



from the Throne was read to empty benches, Mr. Martin alone remaining. The scene was unequalled in a British Legislature. It was an extreme measure, but it was deemed necessary to mark popular disapprobation of the course of the Lieutenant-Governor in calling upon a gentleman with not one political friend in the House."<sup>73</sup> Though the session had lasted almost two months, there were no bills to be assented to.

The MARTIN MINISTRY, which has the distinction of being the shortest lived in our history, as launched, consisted of: Hon. Joseph Martin, Premier and Attorney-General; Hon. Smith Curtis, Minister of Mines; Hon. J. Stuart Yates, Chief Commissioner of Lands and Works; Hon. C. S. Ryder, Minister of Finance; Hon. George W. Beebe, Provincial Secretary.

With the exception of the two first named, none of these persons had had any political experience. Mr. Martin was the only public man in the Cabinet, if such a travesty upon responsible government can be dignified by the name. Four of the Ministers were scarcely known beyond the confines of their own districts. In April, Mr. Ryder resigned the office of Finance Minister and the Government was greatly strengthened by the addition of Mr. J. C. Brown, who accepted the vacant portfolio. The Legislature was dissolved on April 10th, and Mr. Martin set himself vigorously to the work of appealing to the people. With consummate skill, he prepared a comprehensive platform in which the main plank was the construction of the Coast-Kootenay Railroad as a Government line, thus giving to the merchants of Vancouver, to the farmers of the Fraser valley and of the far-famed Okanagan district direct access to the Similkameen, Boundary, Rossland, and other mining camps. Another prominent plank was anti-Mongolian legislation, promising the enactment and reenactment of clauses prohibiting Asiatic labour on works authorized by provincial charters and of Asiatic Exclusion Acts until the Dominion and Imperial authorities should be thereby forced to do justice in this regard to the province. The elections were held on June 9th. Almost every newspaper was opposed to Mr. Martin. Though he made a brilliant campaign and "the greatest political fight ever waged by any man in Canada," he was unable to

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<sup>73</sup> D. W. Higgins in Gosnell, B. C., p. 144.

carry the country.<sup>74</sup> Of the thirty-eight members elected only thirteen were his supporters. Five days after the election Mr. Martin resigned.

Considerable fault was found on all sides with the inordinate time which elapsed between prorogation and election—February 28th to June 9th. The Hon. R. W. Scott, the Secretary of State for Canada, dwelt on this matter in a letter to Lieutenant-Governor McInnes on June 2, 1900. "Not a single member of the existing Government," he complained, "had then or even has up to the present time received the approval of the people. Only one of them had ever been a member of the Legislature, and he had no following; and I think it is without any parallel in the history of responsible government that a body of men, five-sixths of whom had never been members of the Legislature, should be permitted to carry on a Government for three months without public sanction or approval."<sup>75</sup>

The following is a list of the members of the Ninth Legislature: Alberni, A. W. Neill; Comox, L. A. Mounce; Cowichan, Charles H. Dickie; Esquimalt, William H. Hayward and Charles E. Pooley; North Nanaimo, W. W. B. McInnes; South Nanaimo, James Duns-muir; Nanaimo City, Ralph Smith; North Victoria, John P. Booth; South Victoria, D. M. Eberts; Victoria City, H. D. Helmcken, Richard Hall, J. H. Turner, and A. E. McPhillips; Cassiar, C. W. D. Clifford and James Stables; Cariboo, Joseph Hunter and S. A. Rogers; Kootenay East (North riding), William C. Wells; Kootenay East (South riding), Edwin C. Smith; Kootenay West (Revelstoke riding), Thomas Taylor; Kootenay West (Slocan riding), R. F. Green; Kootenay West (Nelson riding), John Houston; Kootenay West (Rossland riding), Smith Curtis; Lillooet East, J. D. Prentice; Lillooet West, A. W. Smith; Westminster District (Chilliwack riding), Charles W. Munro; Westminster District (Delta riding), John Oliver; Westminster District (Dewdney riding), Richard McBride; Westminster District (Richmond riding), Thomas Kidd; Yale West, Denis Murphy; Yale East, Price Ellison; Yale North, F. J. Fulton; New Westminster City, J. C. Brown; Vancouver City, J. F. Garden, Joseph Martin, R. G. Tatlow, and H. B. Gilmour.<sup>76</sup>

<sup>74</sup> Canadian Magazine, vol. 15, p. 335.

<sup>75</sup> *Daily World*, July 5, 1900; *British Columbian*, July 6, 1900.

<sup>76</sup> Journals, 1900, pp. 86, 87, 89.

Immediately upon Mr. Martin's resignation, Lieutenant-Governor McInnes entrusted to Mr. James Dunsmuir the task of forming a Ministry, being the third in three years.<sup>77</sup> A majority of the members elect met in Vancouver and passed a resolution asking the Dominion Government for the dismissal of the Lieutenant-Governor upon the ground that he had taken his official life in his hands in dismissing a Ministry with a working majority and that his nominee having been defeated at the polls his usefulness was gone. Sir Wilfrid Laurier, the Premier of Canada, responded with alacrity; he requested the Governor's resignation; the latter stoutly refused, claiming that his action was constitutional; on June 21st, he was summarily dismissed and on the same date Sir Henri Joly de Lotbinière was appointed Lieutenant-Governor.

In the correspondence which he made public, the ex-Lieutenant-Governor clearly shows that as early as May 15, 1900, he was fully aware that his further tenure of office was irrevocably bound up with the success of the Hon. Mr. Martin. He prepared a long memorandum about that time for the information of the Governor-General, setting out in detail the circumstances which, in his opinion, justified him in the course he had taken.

The DUNSMUIR MINISTRY was a sort of coalition of the various factions then existing in local politics, amongst whom the only common ground was opposition to Mr. Joseph Martin. Hon. James Dunsmuir, Premier and President of the Council; Hon. D. M. Eberts, Attorney-General; Hon. J. H. Turner, Minister of Finance and Agriculture; Hon. Richard McBride, Minister of Mines; Hon. W. C. Wells, Chief Commissioner of Lands and Works; Hon. J. D. Prentice, Provincial Secretary and Minister of Education.

The three first named took office on June 15th; the three latter on June 21st.

As no supply had been granted, nor, indeed, any real work done during the regular session, it became necessary to call the new House together immediately. This session opened on July 19th and closed on August 31st. Throughout this period the Dunsmuir Government was sustained by a majority of not less than seven. The Speaker of the new House was Mr. J. P. Booth, the member for North Victoria.

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<sup>77</sup> June 15, 1900.

In the session of 1901 the Dunsmuir Government always had at least the same majority. One of its principal measures was an act to authorize a loan of \$5,000,000 in aid of the construction of railways and other public works, including a railway and traffic bridge over the Fraser River at New Westminster. The Coast Kootenay Railway, so prominent in Mr. Joseph Martin's platform of 1900, was included in this scheme. The proposal was to grant it a subsidy of \$4,000 a mile and to assist in a similar way the construction of railways: to the northern end of Vancouver Island; from Midway to Vernon; to connect the Crow's Nest Pass Railway with the Canadian Pacific at Golden; and from the coast to the northern boundary of the province.<sup>78</sup> The old plan of granting ten thousand, two hundred and forty, or twenty thousand, acres of land per mile and retarding development by reserving all lands in the vicinity until the railway company had selected its lands was abandoned.<sup>79</sup> This new policy was along the line desired by the people, who for years had been complaining of the ill-effects of the old system. In the divisions on this loan act, Mr. Brown and Mr. Martin usually supported the Government, though even without them a majority of ten or twelve existed.<sup>80</sup> Nothing practical came of the proposal, as up to March, 1902, owing to the unsettled state of the money market, the loan was not offered.

In 1900 occurred the general elections for the Dominion. The numbers returned were: Burrard, G. R. Maxwell; New Westminster, Aulay Morrison; Vancouver (Island), Ralph Smith; Victoria, Col. E. G. Prior and Thomas Earle; Yale-Cariboo, W. A. Galliher. The election of Col. E. G. Prior was protested; a new election was ordered, and George Riley (now Senator Riley) was returned. Upon the resignation of Mr. Ralph Smith, the member for Nanaimo in the Local Legislature, Mr. James H. Hawthornthwaite was chosen as his successor.<sup>81</sup>

Mr. Edgar Dewdney (formerly the Lieutenant-Governor) was instructed, in July, 1901, to run a trial location line through the Cascade Mountains between Hope and Princeton to ascertain whether a feasible route could be found for the much desired Coast-Kootenay Railroad. With him were associated Mr. H. Carry, C. E.,

<sup>78</sup> Statutes, B. C., 1901, c. 32.

<sup>79</sup> Journals, 1900, p. 2.

<sup>80</sup> Journals, 1901, pp. 126-8.

<sup>81</sup> 1911, Year Book, p. 89; 1901, Journals, p. 4.



and Mr. Frank Moberly, C. E.—each in charge of a party. The early exploratory work which Mr. Dewdney had done in this region and the examinations which had been made during the surveys for the Canadian Pacific Railway, readily suggested the proper lines which any trial locations must take.<sup>82</sup> After these parties had spent three months in instrumental surveys of three likely lines, Mr. Dewdney reported that it was impossible to build a railroad between the two points along any line that he had found with less than two and one-half to three and one-half per cent grade, and at an estimated cost of from \$2,805,000 to \$3,423,000 for from seventy-eight to one hundred and one miles, depending upon the route selected. He says: "The result of the surveys shows that the Hope Mountains cannot be crossed without encountering serious engineering difficulties, which would necessitate a very large expenditure of money, and I know of nothing so pressing, either in the way of development along any line that might be determined on, to warrant its construction, outside of a few prospects that have been brought in by miners. There is nothing at present to give encouragement for this expenditure, except the existence of some very fine timber on the west slope."<sup>83</sup>

On September 3, 1901, the Hon. Mr. Dunsmuir made a junction with Mr. Joseph Martin and took into his Cabinet as Provincial Secretary Mr. J. C. Brown, the member for New Westminster City and the Minister of Finance in the late Martin Government. The dissatisfaction of some of his supporters with regard to his railway policy seems to have been the motive prompting this strange union. The step was so absolutely subversive of the *raison d'être* of the Dunsmuir Government—such a complete *volte face*—that the Hon. Mr. McBride, to whom were largely due the conciliating influences which had somewhat cemented the heterogeneous interests supporting that Government, resigned the portfolio of Minister of Mines as a mark of his disapproval. To make room for Mr. Brown, the position of Agent General of the Province, which had been vacant since the dismissal of Mr. F. G. Vernon by the Semlin Government in 1899, had been galvanized into life by an act in 1901.<sup>84</sup> To this office Mr. J. H. Turner, the Finance Minister, was appointed. The Hon. Mr. Prentice resigned the portfolio of Provincial Secretary to accept that

<sup>82</sup> Fleming's Report on C. P. R. Surveys, 1877, p. 105.

<sup>83</sup> Sessional Papers, 1902, p. 804.

<sup>84</sup> Journals, 1899, p. 94.





HATFIELD PARK—RESIDENCE OF THE HON. JAMES DUNSMUIR



JAMES BAY EMBANKMENT, GOVERNMENT STREET AND EMPRESS HOTEL,  
VICTORIA

of Finance. When the Hon. Mr. Brown went before his constituents for reelection, Mr. McBride threw all his influence into the scale against him. The scene of the struggle was New Westminster—Mr. McBride's natal city. After a bitter campaign, the Hon. Mr. Brown was defeated. He resigned the portfolio on September 30, 1901. His seat was taken by Mr. Thomas Gifford.

When the session of 1902 opened, Mr. McBride, who in the meantime had been elected President of the Liberal-Conservative Association of British Columbia, appeared as the Leader of the Opposition. Now an unseemly wrangle occurred over the seats. Mr. McBride claimed, by virtue of his acknowledged leadership, the right to the seat of the Leader of the Opposition which had been occupied in 1901 by Mr. Joseph Martin and was now claimed by him. The dispute was the subject of a resolution, "that the seat occupied by the Honourable Member for Dewdney be accorded him, being the second seat on the front benches to the left of the Speaker." But an amendment was carried that "Honourable members hold the seats occupied by them last session unless they mutually agree to change same."<sup>85</sup> Through all this session, Mr. Martin consistently supported the Government, though occupying the seat formerly held by him when Leader of the Opposition.

On February 26, 1902, Col. E. G. Prior was appointed Minister of Mines in the stead of Mr. McBride. The resignation of Mr. Turner, on his appointment as Agent General, left a vacancy in the representation of Victoria City. Though strongly opposed by Mr. E. V. Bodwell, one of the most prominent lawyers in the province, Colonel Prior captured the seat by a vote of fifteen hundred and thirty-nine to fourteen hundred and eighty-five.

Mr. J. P. Booth, the Speaker, who, owing to sickness, was unable to take his seat, during the session of 1902, died early in March. His successor, as Speaker, was Mr. C. E. Pooley. This was Mr. Pooley's second tenure of the position; he had been Speaker from 1887 to 1890. The death of Mr. Booth caused a vacancy in the representation of North Victoria. Though badgered by the opposition, the Dunsmuir Government refused to bring on the by-election in that constituency, and it was consequently unrepresented during the session of 1902. On April 10th Mr. McBride

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<sup>85</sup> Journals, 1902, Feb. 24, p. 5.  
Vol. II—33



moved a vote of censure upon the Government for this delay. It was defeated, sixteen to eighteen. The Government scrambled along to the close of the session with a majority of two or three. Included in those now supporting it were four of the members comprising the Martin wing—Messrs. McInnes, Gilmour, Stables, and Martin.<sup>86</sup>

At the opening of the session of 1902, the Dunsmuir Government had stated that "Steps will be taken with a view to the introduction of a fair measure of redistribution." Introduced on March 20th, it received the Royal Assent on April 22, 1902. This bill must be regarded as eminently fair, for in the eleven years that have since elapsed, no serious suggestion of redistribution has been heard. The number of members was increased from thirty-eight to forty-two, of whom twelve represented island constituencies and thirty, mainland. "Island vs. Mainland" was now a dead issue; but as this division has been shown in each of the earlier representation acts, it is retained. The seats were distributed as follows: Victoria City, 4; Esquimalt, 1; Cowichan, 1; Alberni, 1; Comox, 1; Nanaimo City, 1; Newcastle, 1; Saanich, 1; The Islands, 1; total, 12;—Delta, 1; Chilliwack, 1; Dewdney, 1; Richmond, 1; New Westminster City, 1; Vancouver City, 5; Atlin, 1; Skeena, 1; Cariboo, 2; Lillooet, 1; Yale, 1; Kamloops, 1; Okanagan, 1; Similkameen, 1; Greenwood, 1; Grand Forks, 1; Revelstoke, 1; Slocan, 1; Ymir, 1; Nelson, 1; Rossland, 1; Kaslo, 1; Columbia, 1; Cranbrook, 1; Fernie, 1; total, 30. It will be observed in examining these figures that Esquimalt and Nanaimo districts had each lost a member; that Vancouver City had gained one; and that the representation of the Kootenays had been increased from six to eleven.

King George V and Queen Mary, then the Duke and Duchess of Cornwall and York, visited the province late in 1901. Amidst enthusiastic cheers and the booming of cannon, softened by the music of H. M. S. *Amphion's* band, they arrived in Vancouver early in the morning of September 30th. The streets were decorated with arches and bunting. Amongst the former the Japanese arch, on which the intertwined British and Japanese flags spoke eloquently, and the firemen's arch, composed entirely of ladders manned by uniformed firemen, attracted attention. The civic address was read by Mayor Townley. At noon the Duke formally opened the Drill Hall and

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<sup>86</sup> Journals, 1902, pp. 56, 57, 64, 67.





LEGISLATIVE ASSEMBLY, NINTH PARLIAMENT



LEGISLATIVE ASSEMBLY, FIRST SESSION, TENTH PARLIAMENT

presented the South African war medals. After luncheon, a visit to the Hastings mill, and a drive around the park the Royal party embarked on the *Empress of India* for Victoria, convoyed by H. M. S. *Amphion*, *Phaeton*, *Condor*, and *Sparrowhawk* and the Canadian Government steamer *Quadra*. At the capitol the party were welcomed by an immense gathering. The addresses included one from the city, from the presbytery of Victoria, and from the American British League of Washington, U. S. A. Two days were spent quietly in Victoria—a visit to the Gorge, to the Jubilee Hospital, the presentation of South African war medals, and a drive through the city filled the time. Returning to Vancouver on the morning of October 3rd the Duke met a gathering of Indians, replied to their presentation, and, resuming the journey, passed through Calgary during the night of October 4th.





## PART IV



## CHAPTER XXX

THE PACIFIC CABLE—THE PRIOR GOVERNMENT—THE McBRIDE GOVERNMENT—"BETTER TERMS"—GENERAL EVENTS 1902-1913

The completion, in 1902, of the long-projected cable between Canada and Australia, though but slightly connected with our history must be mentioned. The Pacific cable owes its existence to the strenuous and continuous exertions of one man—Sir Sandford Fleming, who will also be remembered as the Engineer-in-Charge of the Canadian Pacific Railway. From 1874 he had fought for this scheme, his intellectual child, against the intense opposition of existing and rival cable lines. It is gratifying to the people of British Columbia to remember that at a critical period in the struggle the Semlin Government had come boldly forward and offered a contribution of two million dollars towards the construction of the cable.<sup>1</sup>

After much discussion in the public press, in Parliament, and in the conference of Colonial Premiers, the plan was evolved, and the work undertaken. The cable was to be laid from Vancouver Island to Norfolk Island, with a landing on Fanning Island, and thence to New Zealand and Queensland, at an estimated cost of two million pounds sterling. It was to be vested in eight commissioners, representing the various governments interested—Great Britain, Canada, New Zealand, New South Wales, Victoria, and Queensland. The cost and the annual expenses, including interest (so far as not covered by receipts) were to be borne in the following proportions: 5/18 by the Imperial Government, 5/18 by Canada, and the remainder by the Australasian Governments mentioned. Any profits were to be divided in the same manner.<sup>2</sup>

<sup>1</sup> Sessional Papers, B. C., 1900, p. 501.

<sup>2</sup> Canadian Statutes, 1899, C. 3; 1901, C. 5.



The first members of the Board of Commissioners were Sir Spencer Walpole, K. C. B. (Chairman), G. E. Y. Gleadowe, C. M. G., and W. H. Mercer, representing the Imperial Government; Lord Strathcona and Mount Royal, G. C. M. G., and Alexander Lang, representing the Canadian Government; the Hon. Henry Copeland and Sir Andrew Clarke, G. C. M. G., representing the Governments of New South Wales, Victoria, and Queensland; and the Hon. W. P. Reeves, representing the New Zealand Government.<sup>3</sup>

Commenced under the special auspices of Mr. Joseph Chamberlain, Sir Wilfrid Laurier, Sir Edmund Barton, and Mr. Seddon, it was completed and officially opened on October 31, 1902. Its total length—Doubtless Bay, Queensland to Banfield Creek, Barkley Sound, British Columbia—is about eight thousand nautical miles. Its total cost was one million, seven hundred and ninety-five thousand pounds sterling. The longest portion of this cable, 3,540 miles, Banfield Creek to Fanning Island, was successfully laid by the *S. S. Colonia*, Captain Woodcock, September 18 to October 6, 1902.<sup>4</sup>

Most fittingly the first message to pass over the Pacific cable and around the world thereby was despatched by Sir Sandford Fleming, then in Ottawa, to the Governor-General of Canada, then in the same city. The second was from the Hon. Joseph Chamberlain to the Governor-General, Lord Minto, expressing the congratulations of the Imperial authorities. "They feel confident," he said, "that the spirit of coöperation between the Mother Country and the Colonies which initiated the enterprise will gather additional strength from its successful accomplishment."<sup>5</sup> The epochal event was celebrated in Victoria and Vancouver by banquets and public meetings.

The commercial effect was felt immediately. The old rate from Canada to Australasia had been \$1.50 a word, although later it had been reduced to 99 cents. On November 6th the Board of Cable Commissioners gave notice that the rate over the Pacific cable would be 2s. 4d. a word.

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<sup>3</sup> Imperial Statutes, 1901, C. 31.

<sup>4</sup> Walbran, B. C., *Place Names*, p. 32.

<sup>5</sup> Canadian Annual Review, 1902, pp. 150-151.

On November 21, 1902, the Hon. Mr. Dunsmuir resigned the position of Premier—a position which he had only accepted in the hope that some stability might be introduced into public affairs, and the turmoil of recurring elections being ended, the province might enter into the era of prosperity which was at hand. Colonel E. G. Prior was selected to continue the Government.

Hon. E. G. Prior—Premier and Minister of Mines.

Hon. D. M. Eberts—Attorney-General.

Hon. J. D. Prentice—Minister of Finance and Agriculture.

Hon. Denis Murphy—Provincial Secretary.

Hon. W. C. Wells—Chief Commissioner of Lands and Works.

Hon. W. W. B. McInnes—President of the Council.

The Hon. Mr. Prior faced a heavy task. The majority of about seven which his predecessor had had in 1900 had now decreased to two or three. The Hon. Mr. (now Mr. Justice) Murphy only retained office for a few days, resigning on November 24th. As the result of the by-election thus necessitated, Mr. Charles A. Semlin again entered the House, and took his seat with the opposition. The vacant chair in the Cabinet was taken by the Hon. (now His Honour Judge) W. W. B. McInnes. In the constituency of North Victoria, which had remained unrepresented during the whole session of 1902, an election was held in the fall, which resulted in the return of Mr. (now His Honour Lieutenant-Governor) T. W. Paterson. He also took his seat on the left of the Speaker. Verily the days were darkening for the Prior Government.

During the session of 1903 the Prior Government brought in a bill ratifying the cancellation of the Crown Grants to the Columbia and Western Railway Company of blocks 4,593 and 4,594 in Kootenay district, containing 625,000 acres. These two blocks were both situated in the Crow's Nest Pass region; the former in the south-easternmost angle of the province, the latter along the western side of Elk River; both were supposed to be valuable for coal deposits. The circumstances surrounding this matter, though quite involved, have an important bearing, as thereout came the ultimate disruption of the Prior Ministry.

By the terms of its subsidy act the Columbia and Western Railway Company was entitled to select its lands in alternate blocks along the line of railway, as located, and any deficiency therein was to be

made good out of contiguous Crown lands. For this purpose a large block of land, containing some four and a half million acres of land, extending along the whole length of the railway as proposed to be constructed, and known as the Columbia and Western Railway Reserve, had, in 1896, been set apart. Early in 1900, under the British Columbia Southern Railway Subsidy Act, that company was endeavoring to secure blocks 4,593 and 4,594 as deficiency blocks in connection with that railway. It may be necessary to repeat here that the British Columbia Southern charter extended from the eastern boundary of the Province to Kootenay Lake, and the Columbia and Western from the Columbia River to Okanagan Lake; and that the charters for both roads were owned by the Canadian Pacific Railway Company. On December 19, 1900, these two blocks were by Order-in-Council granted to the British Columbia Southern.<sup>6</sup> In July, 1901, the Columbia and Western Company, having already received grants for 722,020 acres, had earned under their act the further acreage of 896,488, which they were entitled to select out of the immense area of reserved lands already mentioned.<sup>7</sup> It being plain that the grant of the two blocks to the British Columbia Southern could not stand, the Columbia and Western now applied for them, and on August 10, 1901, the order of the preceding December was cancelled and they were granted to the latter company as deficiency lands.<sup>8</sup> Inasmuch as these deficiency lands were by the statute to be selected from contiguous Crown lands—which presumably meant somewhere inside the reserve—the attempt to appropriate to that purpose lands which lay three hundred miles to the eastward seems plainly unwarranted by the subsidy act; but as they were supposed to contain coal and petroleum deposits they were evidently regarded as worth the attempt.

The Crown grants were accordingly issued for these two blocks to the Columbia and Western Railway Company, and taken by Mr. Wells to Montreal for delivery to the Company, but owing to some misunderstanding he refused to deliver them and upon his report the Order-in-Council authorizing their issuance was cancelled on March 18, 1902. Two months later a bill known as Bill No. 87 was

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<sup>6</sup> Journals, 1903, App. p. declxvi.

<sup>7</sup> Journals, 1902, pp. 51, 93.

<sup>8</sup> Journals, 1903, p. xxxiv.

introduced by message. It was intended to alter the Columbia and Western Subsidy Act in such a way as to enable the railway to select deficiency lands anywhere in Yale or Kootenay districts, and thus to allow them to obtain these very blocks, which had already been twice given and retaken. On June 6th on the motion of the Hon. Messrs. Wells and Prentice the introduction of the bill was recommended; yet a fortnight later the matter was dropped.<sup>9</sup>

Everything connected with this subject became of interest early in the session of 1903. On April 7th, on motion of Mr. John Oliver, a prominent opposition member, a Select Committee was appointed to inquire into the whole complicated question. The committee sat to take evidence from April 8th to May 22d; thirty-three sittings were held and twenty-three witnesses examined. Their report, a very lengthy one, was presented on May 27th.<sup>10</sup> The committee, after reciting in great detail the facts above given, found amongst other things, that the order-in-council of August 10, 1901, authorizing the grant of these blocks to the Columbia and Western Railway Company was not in the public interest, that the original reserve contained more than sufficient area to cover all lands to which the company was entitled, that the Government had deceived the House by false answers to questions and by concealing a part of the correspondence, that the cancellation of the grant by order-in-council and by subsequent legislation was perfectly proper, and that the company had no just cause of complaint thereat. Just before this report was received, the Hon. Mr. Prior announced that he had asked for the resignations of the Attorney General and the Chief Commissioner of Lands and Works, and that they had been received and accepted. At the same time he stated that the Hon. W. W. B. McInnes had handed in his resignation, but that it had not yet been accepted. This action of the Provincial Secretary, it was announced, was for the purpose of facilitating an appeal to the people on party lines. The Prior Government was certainly on the rocks. It now consisted of only two Ministers—the Premier and the Minister of Finance. The opposition took possession of the House; the Government only existed by the indulgence of their opponents, including therein the dismissed Ministers or, at any rate, Mr. Wells.

<sup>9</sup> Journals, 1903, App. p. xxxv.

<sup>10</sup> Journals, 1903, p. 61 and Appendix.



Events now moved with lightning speed. On May 28th the attention of the Legislature was called to statements in the public press that the Premier, while acting Chief Commissioner of Lands and Works in December, 1902, had awarded to E. G. Prior & Company (Limited), in which he held a controlling interest, the contract for the wire cable to be used in the construction of the Chimney Creek bridge over the Fraser River, under circumstances which made it possible that some person in the employment of that company might have had access to the figures submitted by other tenderers. The matter was, on the motion of Mr. Smith Curtis, referred to a Select Committee. They lost no time in taking up the enquiry. They began their work that very evening; they examined seven witnesses; they presented their report the following afternoon. The House took a decided step: they ordered the evidence obtained by the committee to be shown to the Lieutenant-Governor. He acted immediately: the Ministry were dismissed.<sup>11</sup>

On June 1st it was announced that Mr. Richard McBride, who had been the recognized leader of the opposition since the alliance between Mr. Joseph Martin and the Hon. Mr. Dunsmuir, had been called upon to form a Government.

On June 2nd Mr. R. G. Tatlow read to the Assembly the following letter from the young Premier:

Premier's Office, Victoria, B. C.  
2nd June, 1903.

Hon. R. G. Tatlow,

President, Executive Council, Victoria:

Dear Captain Tatlow,—

As, under the circumstances, it is impossible for me to make an official statement in the House, I am handing you this letter that you may read it for the purpose of acquainting the Members of the Legislature of the position of affairs.

After most careful consideration, and in view of the anticipated dissolution of Parliament, I have fully decided that the interests of the country would be best served by a division on party lines. Personally I have always favoured this course, and I feel that the

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<sup>11</sup> Journals, 1903, pp. 62, 63, 64, 65.

electorate, as a whole, is desirous that local affairs in the Province should be so administered.

The Government to be formed will be Conservative in character, and after dissolution it is the intention to make an appeal to the country at the earliest possible moment. In the preparation of the voters' list, and in all other matters pertaining to the forthcoming elections, everything will be done to permit of public opinion having the fullest and fairest expression at the polls.

Had Parliament continued to the expiry of its legal existence a composite Government would have been formed, and I cannot allow this occasion to pass without placing on record my appreciation of the valued co-operation of the Liberals who were my colleagues in the Opposition ranks. They are entitled to, and have, my warmest thanks; and under other circumstances than those to which I have alluded, I should have had much pleasure in recognizing their services by a proportion of seats in the Cabinet.

Faithfully yours,

RICHARD MCBRIDE, Premier.<sup>12</sup>

Thus were party lines introduced into local politics. Both parties had been discussing the question for years, and the leaders had reached the conclusion that such a step was desirable. Mr. McBride crossed the Rubicon, declaring the step not only desirable, but necessary.

While the question, like all others, had two sides, much was to be said in favour of his decision at that particular juncture. For thirty years non-party government had been tried and, while it had answered fairly well under normal conditions, in times of stress it had not been satisfactory. Governments were retained in power by the personal following of the Premier and his Cabinet; there was no bond of party affiliation; and thus we frequently find a dismissed Minister entering the opposition and working and voting against his former colleagues. In those days, before taking such a step, careful consideration must be given to the possibility of the loss of the support of the personal following of any such Minister. Leaving aside the events of the past five years, a reference to the declining days of the Elliott and Walkem Governments will support these statements.

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<sup>12</sup> Journals, 1903, p. 66.

and will make clear how slender was the tie by which supporters were held. Since 1898 the old system had been subjected to a severe test; it had failed under it. Five governments—Turner, Semlin, Martin, Dunsmuir and Prior, and McBride in five years! 'Twas a strong argument for a new system.

As originally constituted the McBride Ministry consisted of:

Hon. Richard McBride—Premier and Chief Commissioner of Lands and Works.

Hon. A. E. McPhillips—Attorney-General.

Hon. R. G. Tatlow—Minister of Finance and Agriculture.

Hon. Charles Wilson—President of the Council.

Hon. R. F. Green—Minister of Mines.

Hon. A. S. Goodeve—Provincial Secretary.

A committee was appointed to revise the estimates, which had been prepared by the Prior Government, and they were rushed through the House in two days. Prorogation occurred on June 4th, and dissolution on the 16th.

The prospect was dismal—an empty treasury, an immense overdraft, a credit almost exhausted. Government after government had undertaken to make expenditure and revenue balance and thus end the era of deficits. Failure had been the lot of all. Well might the opinion grow into a settled conviction that our "revenue always has been and will continue to be insufficient to meet expenditure; that to meet her local wants British Columbia has exhausted her credit and her local sources of revenue by a high direct taxation; that it is impossible, therefore, for British Columbia to carry on her ordinary expenditures under the present Terms of Union."<sup>13</sup> But in this case the darkest hour was just before the dawn.

In dealing with the Turner Administration a tabulation showing the annual deficits and the annual accretions to the indebtedness up to 1898 has been given. That the condition Mr. McBride faced on entering office may be plain, the tabulation is continued to June, 1903.

Year.	Net Revenue.	Net Expenditure.	Deficit.
1899.....	\$1,531,638	\$2,156,473	\$624,835
1900.....	1,544,108	1,831,205	287,097

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<sup>13</sup> Cowan: *British Columbia's Claim for Better Terms*, p. 19.

Those were the years of the Semlin Government.

1901.....	1,605,920	2,287,821	681,901
1902.....	1,807,925	2,537,373	729,448

Those were the years of the Dunsmuir Government.

1903.....	2,044,630	3,393,182	1,348,552
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This was the year of the Prior Government.

Year.	Gross Debt.	Government.
1899.....	\$ 8,243,083	
1900.....	8,866,868	Semlin
1901.....	9,827,605	
1902.....	10,761,891	Dunsmuir
1903.....	12,542,086	Prior

The gross debt had been increased by almost twelve million dollars in twenty years; the deficit for 1903 dwarfed all others into insignificance. The financial situation was so black that the banks refused to carry the Province along any further. So tense was the condition of affairs that Mr. McBride was forced to bring the elections on in October—an earlier date than he had intended.

Although the Provincial Secretary and the Attorney-General both lost their constituencies, the result was the return of the McBride Government by a majority of two—Conservatives, 22; Liberals, 17; Socialists, 2; Labor, 1. The members elected were:

Victoria City, W. G. Cameron, R. L. Drury, J. D. McNiven and Richard Hall; Saanich, Henry E. Tanner; Esquimalt, Charles E. Pooley; Cowichan, John N. Evans; The Islands, Thomas W. Paterson; Newcastle, Parker Williams; Nanaimo City, J. H. Hawthornthwaite; Alberni, W. W. B. McInnes; Comox, Robert Grant; Delta, John Oliver; Chilliwack, Charles W. Munro; Dewdney, Hon. Richard McBride; Richmond, Francis L. Carter-Cotton; Vancouver City, Hon. R. G. Tatlow, James F. Garden, Hon. Charles Wilson, W. J. Bowser, and A. H. B. Macgowan; New Westminster City, Thomas Gifford; Atlin, Henry Esson Young, M. D.; Skeena, Charles W. D. Clifford; Cariboo, James Murphy and Harry Jones; Lillooet, Archibald McDonald; Yale, Stuart Henderson; Kamloops, Frederick J. Fulton; Okanagan, Price Ellison; Similkameen, Lyman W. Shatford; Greenwood, John R. Brown; Grand Forks, George A. Fraser; Revelstoke, Thomas Taylor; Slocan, William Davidson; Ymir, Harry Wright; Nelson City, John Houston; Rossland City,



James A. Macdonald; Kaslo, Hon. Robert F. Green; Columbia, Wilmer C. Wells; Cranbrook, James Horace King; Fernie, William R. Ross.<sup>14</sup>

The Hon. Charles Wilson took the vacant portfolio of Attorney-General; Mr. F. J. Fulton entered the Cabinet as President of the Council, and in May, 1904, became Provincial Secretary and Minister of Education.

The session opened on November 26, 1903. The Speech from the Throne pointed out that the provincial finances were in a desperate condition; that the present was an unfavourable time for obtaining a further loan on the London market; that to meet the pressing requirements of the province authority would be asked for the issuance of treasury warrants repayable in annual instalments; and that new assessment acts would be introduced.

On the following day the last loan bill in our history was brought in by message. Its terms are eloquent as to the dire plight of the province. One million dollars were to be borrowed repayable in ten annual instalments with interest at five per cent per annum. Tight upon the heels of this bill came three other bills, for increasing the general taxation, the taxation upon railways, and upon coal.<sup>15</sup> The former, roughly speaking, doubled the rate of taxation on real and personal property, wild land, and income, with the result, that while the revenue from these sources in 1903 was \$343,646, in 1904 it was swelled to \$757,496. The total income of 1904 exceeded that of the preceding year by almost \$600,000.<sup>16</sup>

But, perhaps, the reduction in the expense of civil government best shows the real business-like way in which the McBride Government took hold of the situation. The net expenditure for 1904 was over \$530,000 less than that of 1903. It was refreshing to find income increased and expense decreased. In the result the deficit for 1904—the last in our history—was but \$224,534 as against \$1,348,552 in 1903. This, with but one exception, was the smallest deficit since 1891.

In July, 1904, the Fraser River bridge was completed. It was

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<sup>14</sup> Journals, 1903-4, p. 9.

<sup>15</sup> Journals, 1903-4, p. 6.

<sup>16</sup> Year Book, 1911, p. 280.

formally opened by Sir Henri Joly de Lotbinière, the Lieutenant-Governor, on the 23rd of that month. For many years the necessity of a bridge to replace the ferry boat—which the traffic had long outgrown—had been apparent to all, and various schemes had been suggested to finance its construction. It remained for the Dunsmuir Government to change the dream into reality.

The Loan Bill of 1902 included a sum of \$1,000,000 for the cost of a combined railway and traffic bridge across the Fraser at New Westminster. The services of Mr. J. A. L. Waddell, one of the foremost bridge engineers on the continent, were obtained for the purpose of designing and carrying out the construction.

The contract for the substructure and approaches was let to Messrs. Armstrong, Morrison & Balfour; and for the superstructure to The Dominion Bridge Company. Construction was commenced in August, 1902. Some idea of the size of the undertaking may be obtained from the following figures. The substructure consists of 17 piers, 11 pedestals, and 3 abutments. The bottom of the deepest pier is 141 feet below high water, of this distance 72 feet represent the depth of the water, and 69 feet the penetration into the river bed. The foundation of the pivot pier of the draw span extends 90 feet into the river bed. The width of the river between the banks is 2,100 feet, but including the approaches the entire length of the steel work is 2,400 feet. Four thousand tons of steel were used in the structure. On the lower level are the railway track, over which the Great Northern Railway and the British Columbia Electric Railway already have running rights. The total cost was a little over \$1,000,000.<sup>17</sup>

All traffic on the bridge was subject to tolls until the 31st of March, 1910, when amidst great rejoicing they were abolished by the McBride Government. The Great Northern Railway pays \$20,000 a year for the privilege of using the bridge.

The second year of Mr. McBride's Administration was the dawn of the days of surpluses. It produced the first respectable surplus in our history. A tabulation of the dark days of deficits having been given, we shall include here by way of contrast a summary showing the new order of things.

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<sup>17</sup> Souvenir New Westminster Bridge.  
Vol. II—34

## BRITISH COLUMBIA

Year.	Net Revenue.	Net Expenditure.	Deficit.	Surplus.
1904 .....	\$2,638,260	\$2,862,794	\$224,534	
1905 .....	2,920,461	2,302,417		\$ 618,044
1906 .....	3,044,442	2,328,126		716,316
1907 .....	4,444,593	2,849,479		1,595,114
1908 .....	5,979,054	3,686,349		2,292,705
1909 .....	4,664,500	3,749,170		915,330
1910 .....	8,874,741	6,382,993		2,419,748

In six years the huge surplus of \$8,627,257 had been piled up. In 1910 the total funded debt was \$10,819,146; the accumulated sinking fund was \$1,849,368, leaving a balance of \$8,969,778. Adding to this amount the guarantee of the Nakusp and Slocan bonds terminable in 1918, \$647,022, the total actual debt of the province at that date was \$9,616,800. It will thus be seen that the surplus was then almost sufficient to pay the whole net funded debt.<sup>18</sup>

Let us now return and trace the early years of the McBride Government. After the selection of Mr. C. E. Pooley as Speaker, twenty-one Conservatives were left on the floor of the House, being a majority of one over any possible opposing combination. In this situation the general support which Mr. McBride obtained from the two socialist members, and the socialistic character of some of his legislation led the *Victoria Colonist*, a Conservative paper, to say "that it is highly dangerous for any Government to seek to carry on with so variable and insufficient a majority as to make recourse to the support of a party, divergent from its own, a first necessity of existence in power."<sup>19</sup>

Owing to alleged disqualification an act was passed to secure to Mr. A. McDonald, the member for Lillooet and a supporter of Mr. McBride, his seat during the session of 1903-4, with the proviso that a new election should be held after the termination of that session. When this contest came on great excitement prevailed, and Lillooet became the battle ground of the province. The fate of Mr. McBride and his Government hung on this election; and all breathed more freely when the returning officer announced that Mr. McDonald had succeeded in holding the seat.

<sup>18</sup> Year Book, 1911, pp. 278-9.

<sup>19</sup> April 8, 1905.

In June, 1904, when the Hon. Mr. Fulton resigned the Presidency of the Council, Mr. F. L. Carter-Cotton succeeded to the office.

The appointment of Mr. W. W. B. McInnes, in the summer of 1905, as Commissioner of the Yukon rendered vacant his seat—Alberni. In the elections of 1903 he had carried it in the Liberal interest by a vote of 320 to 102. The by-election was held on July 22nd. Here, too, was a strenuous contest. Mr. William Manson, the Conservative candidate, had the support of the whole Cabinet and prominent Conservatives from all parts of the province. Mr. Hugh Aitken, the Liberal candidate, had the support of Mr. J. A. Macdonald and Mr. John Oliver, the stalwarts of the opposition in the House, and Messrs. Ralph Smith, William Sloan, and R. L. Drury of the Federal Parliament. Again the Government were victorious—254 to 204. This was a distinct gain.

In the session of 1906 the acquisition of some 10,000 acres of land on Kaien Island at one dollar per acre by James Anderson and Peter Larsen and its transfer to the Grand Trunk Pacific Railway Company for a terminus were the subject of a strong attack upon the Government. The leader of the opposition, Mr. J. A. Macdonald, moved, on January 31st, for a Select Committee "to enquire into all matters pertaining to the acquisition or attempted acquisition by the Grand Trunk Pacific Railway Company, or by another corporation, of Crown lands in the vicinity of Tuck's Inlet, Kaien Island, or other islands, and on the mainland in the vicinity of Kaien Island."

This committee sat during February and March, held fifteen meetings, and examined at great length eight witnesses, including the Premier, Hon. R. F. Green, Hon. Charles Wilson, Messrs. E. V. Bodwell, James Anderson, and W. S. Gore. Having investigated every circumstance surrounding the transaction, from its inception to its termination, the committee on March 7th presented its report to the Legislature. Its findings may be thus summarized: Larsen and Anderson endeavored to acquire the lands in question in order to sell them to the railway; the Government refused to deal with intermediaries and Mr. Bodwell, who had been acting for them, then produced authority from Mr. C. M. Hays, the president of the railway company, to act for it in the negotiations; that the company then obtained the lands on payment of one dollar per acre, upon the conditions that they should establish within nine months the terminus



of their railway thereon, and that one quarter of the property should revert to the province; that the company paid the Government the \$10,000 as agreed and repaid to Mr. Larsen some \$8,000 which he had spent in surveys; that Anderson, acting for himself and Larsen, had early in the proceedings obtained a promise from the railway officials to pay for these lands \$40,000—an arrangement which Larsen had at once repudiated; that being interested in other transactions together Larsen paid Anderson a year later \$10,000 as a general settlement; that the railway company was aware of the negotiations from the outset; that the arrangement was in the public interest and that “no member or official of the Government received any direct or indirect emolument or reward in connection with any of the matters inquired into, or direct or indirect promise of same in the future and that the members of the Government were actuated solely by the desire to secure to the province every advantage obtainable under the circumstances.”<sup>20</sup>

Upon this site stands to-day the city of Prince Rupert.

In this session was heard an echo of the old Columbia and Western trouble of 1903. Not having succeeded in getting blocks 4,593 and 4,594 the railway company claimed that there were still due to them under the subsidy Act 808,872 acres, representing the remainder of the land grant for the portion of the railway from the Columbia River to Midway. It urged, and with some show of justice, that any apparent failure on its part to live up to the words of the act was owing to the understanding that the blocks in Southeast Kootenay would be granted to it. Mr. McBride, though having but a narrow majority, concluded that the company's claim was right and an act was passed to enable it to select the remaining lands.

The session ended on March 12th and on 15th the Hon. Charles Wilson resigned the portfolio of Attorney-General, which was taken over by Hon. Mr. Fulton. A few days later Hon. Mr. McBride referred to the incident at a public meeting in the presence of Mr. Wilson, whom he characterized as “an old and true friend, a broad, useful, and patriotic man.”

The term of office of Sir Henri Joly as Lieutenant-Governor had expired in June, 1905, and considerable speculation was indulged in as to his successor. He had come amongst us a stranger, at a

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<sup>20</sup> Journals, 1906, Appendix.





MAY-1906



JUNE-1906

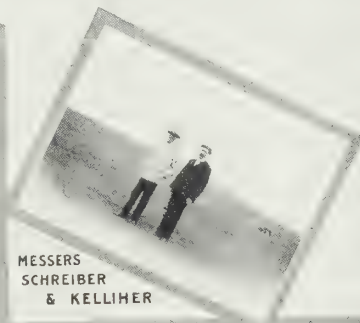


JULY-1906

**PRINCE RUPERT,- CAMP OF J. H. PILLSBURY. C.E.**



AUGUST-1906



MESSRS  
SCHREIBER  
& KELLIHER



F. W MORSE



DECEMBER-1906

**PRINCE RUPERT,-THE WORK PROGRESSING RAPIDLY.**

time when political conditions were completely awry, but his genial manner, his courtesy of character, his high ideals, and above all his thorough knowledge of constitutional government and practice had won him a way into the hearts of the people and secured to him many and strong friends. So much so, that there was a general desire for an extension of his administration, and in consequence it was not until May 11, 1906, that his successor, Mr. James Duns-muir, was chosen. On June 5th Sir Henri Joly de Lotbinière left the province after a six years' residence and amidst the expressions of popular regret.

On January 22, 1906, the American passenger vessel, *Valencia*, bound from San Francisco to Puget Sound, was wrecked at Shelter Bight, about midway between Cape Beale and Carmanah Point, on the west coast of Vancouver Island.

The disaster was on subsequent investigation declared to be due to the faulty navigation of Captain Johnson, the commander, who attempted to enter the Strait of Fuca without having taken an observation or seen land after passing Cape Mendocino and depending entirely upon his dead reckoning.<sup>21</sup>

After many lives were lost in attempts, Frank F. Bunker with one or two others reached the shore—their boat having been swamped—and finding the telephone line which runs along the coast followed it to a lineman's hut from which they sent the news of the wreck to Cape Beale. Mrs. Minnie Paterson, the wife of the light-house keeper, sent the information to Victoria and issued calls for help.

The steamers *Queen* and *Topeka* were both despatched to the scene but owing to the unfortunate *Valencia* being amidst a reef of rocks over which the breakers seemed to dash with terrific fury, they were unwilling to attempt to reach her. A life raft from the *Valencia* with eighteen people crowded upon it made its way out through the breakers, yet neither vessel launched a life-boat. Their failure in this respect was, rightly, the subject of strong remarks by the American commission that enquired into the circumstances.<sup>22</sup>

The iron-bound coast rose sheer above the wreck, but there was no arm long enough and no arm strong enough to aid the stricken people who for thirty-six hours clung to the remnants of the rigging

<sup>21</sup> American Commission's Report on the Wreck of the *Valencia*, pp. 38-9.

<sup>22</sup> *Id.*, p. 43.



in the vain hope of succor by land or sea. Within a stone's throw from the shore and tantalized by the sight of two vessels inanely steaming back and forth a mile or two away, one hundred and thirty-six persons went to their death.<sup>23</sup>

The calamity aroused the Dominion authorities to the situation on this neglected coast. A new light-house of the most modern type was erected; life-saving apparatus was installed; the telephone service was extended; an electric life-launch was placed in commission; the trails were improved and comfortable, well-stocked shelters placed at suitable spots.

Yet when, in the grey dawn of December 7, 1906, the barque *Coloma*, which had been dismasted in the heavy gale then prevailing, was seen drifting helplessly toward the jagged teeth of Cape Beale, the telephone lines were out of order. Mrs. Paterson, who has been already mentioned, understanding, all too well, the imminent peril of the vessel, determined to carry to the cable station at Bantfield Creek, six miles distant, the news of the desperate condition of those aboard, whose flags of distress still flew helplessly and almost hopelessly from the mast stumps. Along a tortuous path—dark even in the day-light—up and down steep declivities, over and under fallen timber, she hurried forward on her mission of humanity. Arriving at Bantfield Creek and enlisting the aid of another kind-hearted lady Mrs. James McKay—the two heroines launched a boat and made the remainder of the journey to the cable station, notified the Dominion Government steamer *Quadra* of the situation, and had, later, the satisfaction of knowing that through their efforts the lives of those on the *Coloma* were saved.<sup>24</sup>

Substantial recognition of Mrs. Paterson's services on these two occasions was shown by the people of the province and of the State of Washington, as well as, in an official way, by the Dominion Government.

Early in 1906 it was announced that H. R. H. Prince Arthur of Connaught, the son of the Duke of Connaught, who had gone on an official visit to Japan for the purpose of conferring the Order of the Garter upon the Mikado, would return in the spring by way of Canada. On March 27th he arrived in Victoria, on the *Empress of*

<sup>23</sup> American Commission's Report on the Wreck of the *Valencia*, p. 28.

<sup>24</sup> Walter Diefenbach in *Seattle Times*, circa December 31, 1906.

*Japan*, and was welcomed by the representatives of the Dominion and Provincial Governments and of the city of Victoria. The three days which he spent on Vancouver Island, though filled with public and official functions and state dinners, nevertheless afforded sufficient leisure for a fishing excursion to Cowichan Lake. A short stay was made at Vancouver; a night was given to Field and its interesting surroundings; and the Royal party passed out of the province, reaching Calgary on April 5, 1906.

The province was honoured with the visit of another Royal personage in July, 1907. This was the Prince Fushimi, G. C. B., of Japan, a cousin of the Emperor, and an eminent soldier. He had gone to England to return, officially, the special mission of Prince Arthur in the preceding year. To enable his whole journey to be made under the British flag, Canada was included in his itinerary. He passed through Banff on July 19th and reached Vancouver on the 22nd. There he was welcomed by a gathering of about fifteen thousand persons, fully one-half of whom were Japanese. The whole reception had a distinctly Japanese tone. A visit to Stanley Park and its big trees, an inspection of the lumber mills, and a drive around the city brought his stay to a close. He arrived at Victoria on the 23rd. It had been intended that he should embark at that port on one of the Oriental liners, but, "as a mark of his personal friendship and high esteem," the King placed at his disposal *H. M. S. Monmouth* and the prince sailed on her from Esquimalt on the following day.

The Governor-General of Canada, Earl Grey, visited the province in September, 1906. After making a *détour* into the Kootenay mining region, including a short stay at Nelson, the party reached Vancouver where they were formally welcomed by Mayor Buscombe. Unfortunately the decorations and the public demonstrations were somewhat marred by wet weather. After two days spent in looking over the city and its environs, receiving addresses, and holding receptions, the Governor-General departed for Victoria, where were more decorations, arches, and illuminations. Mayor Morley presented an address from the city, while those of the Chinese and Japanese colonies were presented under their own typical arches. Almost a fortnight was spent on Vancouver Island. The usual social functions over, the Governor-General took a trip

by steamer along the island coast, examined the coal mines at Ladysmith and at Nanaimo, indulged in a fishing jaunt to Cowichan Lake, and a run to Moresby Island. From Victoria the Vice-regal party went to New Westminster, viewing the salmon canneries of the Fraser on the way. Everywhere arches and decorations, loyal addresses and receptions. On his return to Vancouver before commencing his homeward journey the Governor-General attended the Canadian Forestry Convention, and addressed the Canadian Club of Vancouver at its inaugural luncheon.

Mr. F. C. Wade, the first President of the Canadian Club, presided, and in the course of his remarks, asked: "What is the destiny of Canada?" Earl Grey, touching the suggested subject, replied: "Well, I do not come here with a scheme of Imperial federation, but to continue along the line to which the chairman has given expression I might say the Dominion has only to ask England to admit her into the councils of her Parliament, and if she is prepared to assume her share of obligations in relation to the Empire, I venture to say, not speaking officially but personally, that she will receive the warmest response. I have often had a dream that while former schemes of federation have been the result of the pressure of necessity, the Imperial federation of the British Empire may yet be founded on a basis of self-respect and that the self-respect to which your Chairman has given expression may be the impelling motive toward the realization of the dream."<sup>25</sup>

Then becoming reminiscent he reminded his audience that his first visit to the Pacific coast had been in 1881. "At that time," said he, "a few dollars would have purchased the site of your entire city. The baptismal ceremony which bestowed upon your city the historic and distinguished name of Vancouver had not yet taken place. When I was last in this part of the world, your now famous Vancouver was known to comparatively few as Gastown, thus irreverently named after that inspired booster, 'Gassy' Jack, to whom the future greatness of Vancouver appears to have been revealed."

Reaching Kamloops on October 3rd, the party branched off to Vernon and Lord Aberdeen's celebrated ranch at Coldstream, thence to Kelowna, Summerland, Penticton, and other points in the far-famed Okanagan valley. Returning to the main line of the Canadian

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<sup>25</sup> Vancouver Canadian Club Addresses, 1908.

Pacific Railway, the journey eastward was resumed, and the Governor-General passed out of our borders on October 9, 1906.

The Legislature, the tenth since Confederation, was dissolved in December, 1906. At the same time the Hon. R. F. Green, the Chief Commisisoner of Lands and Works, who had figured so prominently in the Kaien Island investigation of the preceding March, resigned his office. The elections took place on February 2, 1907. The composition of the McBride Ministry as it faced this election was:

Hon. Richard McBride, Premier and Minister of Mines; Hon. R. G. Tatlow, Minister of Finance and Agriculture, and Chief Commissioner of Lands and Works; Hon. F. J. Fulton, Attorney-General; Hon. F. L. Carter-Cotton, President of the Council; Hon. William Manson, Provincial Secretary and Minister of Education.

A glance at this list will show that of the original Cabinet of 1903 only two—the Premier and the Hon. Mr. Tatlow—remained. In the elections the Hon. Mr. Manson went down to defeat, but the young Premier found himself returned with such a handsome majority that he could face the future calmly and carry out his own policy without the necessity of aid from the Socialists.

The members-elect were:

Victoria City, Hon. Richard McBride, F. Davey, H. W. F. Behnsen, and H. B. Thompson; Saanich, D. M. Eberts; Esquimalt, John Jardine; Cowichan, W. H. Hayward; The Islands, A. E. McPhillips; Newcastle, Parker Williams; Nanaimo City, J. H. Hawthornthwaite; Alberni, H. C. Brewster; Comox, Robert Grant; Delta, John Oliver; Chilliwack, Charles W. Munro; Dewdney, Hon. Richard McBride; Richmond, Hon. F. L. Carter-Cotton; New Westminster City, Thomas Gifford; Vancouver City, W. J. Bowser, J. F. Garden, A. H. B. Macgowan, Hon. R. G. Tatlow, and G. A. McGuire; Atlin, H. E. Young; Skeena, William T. Kergin; Cariboo, James Murphy and J. McK. Yorston; Lillooet, Mark Eagleson; Yale, Stuart Henderson; Kamloops, Hon. F. J. Fulton; Okanagan, Price Ellison; Similkameen, L. W. Shatford; Greenwood, G. R. Naden; Grand Forks, John McInnis; Revelstoke, Thomas Taylor; Slocan, W. Hunter; Ymir, J. H. Schofield; Nelson City, G. A. B. Hall; Rossland City, J. A. Macdonald; Kaslo, Neil F.



McKay; Columbia, H. G. Parson; Cranbrook, James H. King; Fernie, W. R. Ross.<sup>26</sup>

The Hon. Mr. McBride chose to sit as the senior member for the capital and upon his resignation of the Dewdney seat Mr. W. J. Manson was elected. This gave Mr. McBride 27 Conservative supporters. The remaining fifteen members were composed of twelve Liberals and three Socialists.

The vacancy in the Cabinet caused by the defeat of the Hon. Mr. Manson in Alberni was filled on February 27th by the selection of Dr. H. E. Young, the member for Atlin. In March the Hon. Mr. Tatlow resigned the Chief Commissionership of Lands and Works which he had held since the resignation of Mr. R. F. Green in the preceding December, retaining only that of Finance. The Hon. Mr. Fulton accepted the Chief Commissionership in conjunction with the office of Attorney-General. The Hon. Charles E. Pooley, who had been Speaker since the death of Mr. J. P. Booth in February, 1902, having been defeated in Esquimalt, Mr. D. M. Eberts, ex-Attorney-General and member for Saanich, was elected to that position. Mr. Pooley had represented Esquimalt continuously for twenty-five years (1882-1907), a record without an equal in our history. In July, after the session of 1907, Mr. W. J. Bowser, the senior member for Vancouver City, entered the Cabinet as Attorney-General.

During that session the question of "Better Terms," which had been before the people as a live issue with the Dominion, was the subject of considerable discussion. This, therefore, seems an opportune time to outline it. For many years no topic was more prominent than "Better Terms." It was a legacy from the Dunsmuir and Prior Governments.

The tabulations already presented have shown that with a regularity which was almost mechanical, the Finance Ministers had, year by year, announced a deficit, varying from \$2,468 in 1872 to \$1,348,552 in 1903. Only three bright spots appear in all the long black stretch—1871, 1879, and 1881. These show surpluses of \$94,128, \$26,343, and \$18,257 respectively. But when they are closely examined it will be seen that the two former were half-year periods, and the deficits in the following year more than absorbed each sur-

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<sup>26</sup> Journals, 1907.

plus, leading to the suspicion that these surpluses were mere matters of book-keeping. In 1881 the Walkem Government had the only real surplus. It was the smallest of the three and was obtained by the simple expedient of starving the public works and allowing the roads and trails of the country to go into dis-repair.

The Hon. Mr. Dunsmuir in examining these accounts became convinced that some permanent condition lay at the root of the constantly recurring deficits. Not one of the twelve Finance Ministers in all those thirty years had been able to make revenue and expenditure balance. His examination, he claimed, disclosed the fact that the province had contributed almost \$42,500,000 to the Dominion revenue, which on the basis of her population was claimed to be  $2\frac{3}{4}$  times that of the rest of Canada. In the same period the Dominion expenditures in the province were about \$29,000,000, but the public debt had increased from \$122,000,000 to \$350,000,000. The inference was that Dominion imposts bore more heavily on our people than on those of other parts of Canada, and that Dominion expenditures were being restricted in this province and lavished in the others. Thus it was suggested an equity arose in our favour entitling us to increased financial assistance.

Mr. Dunsmuir's memorandum mentioned the greater cost *per capita* involved in the development and government of the province, owing to its rugged physical features, great distances, difficult and expensive communications, and comparatively sparse population, but no stress was placed upon it. Entering energetically into the question, he prepared and submitted to the Dominion a large mass of statistics in support of his position. To the main claim he added claims for a larger share of the Chinese exclusion tax, for an adjustment of the revenue arising from coast as distinguished from inland fisheries, for an understanding regarding the reversionary right of the province in Indian reserves and for a re-adjustment of their boundaries to meet the decreasing numbers in each tribe, for a bonus on ship-building, for the establishment of a mint, and for increased aid to railways in the province.<sup>27</sup> So many and so diverse demands bore the usual fruit: nothing was accomplished.

In December, 1902, a conference of the Provincial Premiers was held in the City of Quebec. Although British Columbia was not

<sup>27</sup> Sessional Papers, 1901, p. 565.

represented, the Hon. Mr. Prior, who was then Premier, sent in a lengthy communication in reference to the financial relations between the province and the Dominion. The conference agreed upon a graduated scale to govern the contributions to the various provinces, but did not express any opinion in reference to special treatment for any individual province.

The Hon. E. G. Prior, the Premier, took up the subject in January, 1903, and submitted a full statement of his views. He claimed that there was nothing hard and fast in the Terms of Union; that there was a great difference between such a political compact and the ordinary commercial contract. In this connection he referred to the grant of "Better Terms" to Nova Scotia. He urged that it was impossible for any one to foresee the results of the union, and that as it was the evident intention that adequate provision should be made for the support of both Governments, the arrangements then concluded did not fix unalterably the financial relations, but were subject to modifications from time to time to meet equitably any conditions of hardship arising therefrom. He pointed out that the entry of British Columbia into the union was in fulfilment of a desire to round out Confederation and argued that being intended for the good of the whole Canadian people this strengthened the position of the province in asking that inequitable results be remedied. The arrangements made at the union involved no hope of one of the parties reaping a profit at the expense of the other as in the ordinary business transaction.

To a certain extent these were the grounds upon which the Provincial Premiers had just asked for a general increase of the subsidies. But British Columbia, he contended, had, in addition to her claim in common with the other provinces, a special case for better terms. To Colonel Prior is due the honour of developing the claim for special treatment and placing it upon plain grounds. These were:

1. The cost of administration, owing to the physical character of the country.
2. The distance from the commercial, industrial, and administrative centres of Eastern Canada.
3. The non-industrial character of the province, as compared with Eastern Canada, whereby a larger percentage

of goods are imported and consumed, increasing the contributions to the Federal treasury, in the way of taxes, in a ratio of three to one.

4. The disadvantage of the province, in relation to the markets for its special products.

Premier Prior did not take the ground that the Dominion had violated any term of the union nor that the province was entitled to compensation for lack of fulfilment in any substantial respect, as the performance of a legal contract could be construed; but that in the development of the constitution, in its actual operation since Confederation, a state of affairs had grown up in British Columbia and in the Dominion as the result of the union which established a moral right and a sound constitutional claim on the part of the former for increased recognition—a state of affairs that was not anticipated by either party at the time the terms were settled. The debates on the union showed, he contended, that it was a leap in the dark, on the part of both the Dominion and the province, and the latter had landed upon financial ruin.<sup>28</sup>

Statistics were compiled in support of the first ground given above. The five years from 1898 to 1902 were taken as the basis. The following table will give a comprehensive idea of the argument:

AVERAGE EXPENDITURE PER HEAD FOR FIVE YEARS—1898 TO 1902					
Province.	Roads, etc.	Civil Govt.	Justice.	Hospital, etc.	Total.
British Columbia..	\$2.91	\$1.06	\$ .83	\$ .38	\$5.18
New Brunswick...	.61	.08 4-5	.06 1-5	.02	.78
P. E. Island.....	.38½	.06	.16 7-10	.06 9-10	.68 1-10
Quebec .....	.08 4-5	.16 9-10	.32½	.02 2-3	.60 3-10
Manitoba .....	.19 3-10	.15½	.12	.07 7-10	.54½
Ontario .....	.06 3-10	.12 1-5	.19 2-5	.09 1-5	.47 1-10
Nova Scotia .....	.20 7-10	.04 3-5	.03	.13 7-10	.42
Average.....					.80 9-10

In the summer of 1903, after the McBride Government had entered into office, a delegation consisting of the Hon. Charles Wilson and the Hon. R. F. Green visited Ottawa to press upon the

<sup>28</sup> Sessional Papers, 1903, p. K. 6; 1907, pp. D. 26-30.



Dominion authorities the claims of the province for the many things for which Mr. Dunsmuir had asked two years before. In reference to "Better Terms" they urged that the contentions of the province be referred to a Joint High Commission composed of three persons, one to be named by the Dominion, one by the province, and the third by the Secretary of State for the Colonies.<sup>29</sup>

The reader who desires to go further into the intricate figures which the Province claims support her demand for better terms will find them very clearly and compactly arranged in an excellent little brochure by Mr. George H. Cowan, K. C., of Vancouver, entitled "British Columbia's Claim for Better Terms," which was published in 1904.

At the outset the subject of "Better Terms" was by mutual consent kept out of the political arena. The people of the province, regardless of political affiliations, were in sympathy with the movement. During the session of 1905 Premier McBride introduced a resolution "That in the opinion of this House the Province is entitled to such distinct and separate relief from the Dominion of Canada, based upon an equitable consideration of conditions in the Province, the large contributions made by the Province to the Dominion by way of customs duties and otherwise, and the exceptionally high cost of Government in the Province and the development of our natural resources." The leader of the opposition, Mr. J. A. Macdonald (now the Chief Justice of the Court of Appeal) seconded the motion and it was carried unanimously.<sup>30</sup>

In October, 1906, a conference of the representatives of the provinces and the Dominion was held at Ottawa. Armed with this resolution, Premier McBride attended and pressed the right of the province to special treatment strongly upon the meeting. He claimed that the demand of British Columbia should be dealt with by arbitration before a tribunal constituted somewhat as the Hon. Mr. Wilson had suggested in 1903, which alone would have the leisure to become thoroughly acquainted with the physical, social, and industrial conditions of the province and to master the involved and intricate statistics upon which the claim in great part rested.

This was refused; all the provinces except British Columbia

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<sup>29</sup> Sessional Papers, 1907, p. D. 29.

<sup>30</sup> Journals, February 24, 1905.

voting that such a course was inadvisable. Having protested against this action, the Hon. Mr. McBride retired from the conference. In his absence the representatives of the other provinces resolved that, owing to its large area, geographical position, and very exceptional physical features, British Columbia was entitled to special treatment, which they fixed at \$100,000 annually for ten years. In view of the claim that the causes operating in the case of this province are permanent in their nature—which this resolution admits—the limited grant seems unsound in principle. Either the claim is right and the province is entitled to an amount in perpetuity, or it is wrong and the province is not entitled to anything. As Mr. McBride put it: our disabilities are of a permanent character and can never be overcome; therefore, the additional allowance for this condition must, if admitted at all, remain as permanent as the disabilities are.<sup>31</sup>

The Hon. Mr. McBride's attitude on this question appealed strongly to the public imagination in the province, and he met with an enthusiastic reception on his return. When he entered the province a delegation from Kootenay welcomed him at Laggan; at Revelstoke, Kamloops, and Mission he was cordially greeted; at Vancouver and in his home city—New Westminster—he was met by immense crowds manifesting every token of joy. On his arrival in Victoria he was cheered at the boat, cheered on the streets, and cheered by the densely-crowded audience which had gathered to hear his story.

The Legislature took up the question during the session of 1907 and in a lengthy resolution reviewing the whole history of the subject approved the stand taken by the Premier. They urged that a proper investigation of the claims would occupy so much time and entail such an examination as could only be undertaken by an independent tribunal specially selected for that purpose.

The Dominion Government accepted the finding of the conference and embodied it in the draft bill for the amendment of the British North America Act. This bill provided for an increased grant to the several provinces for the support of their Governments and Legislatures of the amounts set out in the Quebec resolutions, 1902, approved by the conference of 1906. Where the population of a province was under 150,000 the annual grant was fixed at \$100,000; between 150,000 and 200,000, it was \$150,000; between

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<sup>31</sup> Sessional Papers, 1907, p. D. 12.

200,000 and 400,000, it was fixed at \$180,000; and so on. The grant of eighty cents per head provided for in the British North America Act and in the Terms of Union was to be payable until the population reached 2,500,000; beyond that the rate was to be sixty cents per head. The bill also provided for the payment of the additional grant to British Columbia of the \$100,000 for ten years as voted by the conference.<sup>32</sup> But it contained a declaration that these payments should be, as the conference had requested, "a final and unalterable settlement" of the amounts to be contributed by the Dominion.

For the purpose of protesting against the insertion of the words "final and unalterable" in the statute the Hon. Mr. McBride was appointed a Special Delegate to proceed to London and take the matter up with the Colonial authorities. While it was plain that no statute could be regarded as final and unalterable, he made it clear to the Secretary for the Colonies that he desired their elimination from the act so that there should not exist even the shadow of a possibility of disputing the right of the province to raise the question at a later date. He was successful; the obnoxious words were struck out of the enacting part of the statute.

In November, 1911, the Premier and his colleagues, the Hon. W. J. Bowser and the Hon. W. R. Ross, took up the matter with the Hon. R. L. Borden, the new Premier of Canada, and succeeded in arranging that the claims of the province be referred to a commission of inquiry. There the matter stands. Steps are now being taken to appoint this commission. The reader will have noticed that though in its inception non-partisan, the difference in the politics of the two Governments in the end made "Better Terms" a political question.

From the days of the colonies the Lands and Works office had been in charge of a Chief Commissioner, but the increased business of that department, owing to the advancement of the province, called imperatively for its division into its two component sections. Legislation having been passed in 1908 to effect the change, the Hon. Mr. Fulton remained in charge of the Land branch, as the first Commissioner of Lands, while the Works passed into the control of the Hon. Thomas Taylor, the member for Revelstoke, as Minister of Public Works, in December, 1908.

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<sup>32</sup> 1908, Imperial Statutes, Chap. 23.







LEGISLATIVE ASSEMBLY, 1909



THIRTEENTH PARLIAMENT, SESSION 1913, ELECTED 1912

For some time the McBride Government had been promising to bring down a railway policy; but they had contented themselves with the general statement that they aimed to restrict paper construction and to encourage real enterprise. Various efforts to arrange for the construction of the Coast-Kootenay railroad, so long desired, and for railway development in South-East Kootenay, the Boundary district, and Vancouver Island, had been made but had failed. Speaking in 1906, the Premier pointed out that the result of this careful consideration of the question had been that lines were being built where business demanded and without cost to the people; he pointed to the Canadian Pacific line from Spence's Bridge to the Nicola coal mines and the Great Northern construction from the Boundary country westward.

Late in 1909 the Hon. Mr. McBride made public an agreement with the Canadian Northern Pacific Railway Company, embodying the Government's railway policy. This provided for the construction of lines of railway from the Yellowhead Pass along the Thompson and Fraser rivers to the coast, and from Victoria northward along the west coast of Vancouver Island. To assist this construction the Government agreed to guarantee the principal and interest on the company's bonds to the extent of \$35,000 per mile for five hundred miles on the mainland and one hundred miles on the island; to grant a free right of way through, and free station grounds on, Crown lands, free timber and other material for the construction of the railway from Crown lands; and exemption from taxation for fifteen years. The agreement also provided for the grant to the company of lands for townsite purposes along the lines of the railways, the proceeds from the sales whereof were to be divided in the proportion of two-thirds to the company and one-third to the Government. In return the Government obtained control of the rates to be charged on the railways.

The lines as located, besides giving increased transportation facilities to the settled parts of the province, will open up vast areas in the northern part of the mainland and the western part of the island which heretofore have lain idle for lack of the means of transport.

The Hon. Mr. Fulton, the Chief Commissioner of Lands, and the Hon. R. G. Tatlow, the Minister of Finance, differed from their

colleagues upon this agreement, and on October 21, 1909, they both retired from the Ministry. The Legislature, the eleventh since the union, was dissolved on October 20th; and the Hon. Mr. McBride submitted his railway policy for the approval of the electors on November 29th.

The composition of the Ministry when this appeal was made to the people was:

Hon. Richard McBride—Premier and Minister of Mines.

Hon. F. L. Carter-Cotton—President of the Council.

Hon. H. E. Young—Provincial Secretary and Minister of Education.

Hon. W. J. Bowser—Attorney-General and Minister of Finance.

Hon. Thomas Taylor—Minister of Public Works.

Hon. Price Ellison—Minister of Lands.

It will thus be seen that in 1909, of all the members of the original Ministry of 1903, the Hon. Mr. McBride alone remained in office.

The elections resulted in the return of the McBride Government by an overwhelming majority. Every constituency in the province but four returned a supporter of the Government.

The members elected were:

Victoria City, Frederick Davey, Hon. Richard McBride, H. F. Behnsen, and H. B. Thompson; Saanich, Hon. D. M. Eberts (Speaker); Esquimalt, John Jardine; Cowichan, W. H. Hayward; The Islands, A. E. McPhillips; Newcastle, Parker Williams; Nanaimo City, J. H. Hawthornthwaite; Alberni, H. C. Brewster; Comox, Michael Manson; Delta, F. J. A. Mackenzie; Chilliwack, S. A. Cawley; Dewdney, W. J. Manson; Richmond, Hon. F. L. Carter-Cotton; New Westminster City, Thomas Gifford; Vancouver City, Hon. W. J. Bowser, H. H. Watson, A. H. B. Macgowan, C. E. Tisdall and George A. McGuire; Atlin, Hon. H. E. Young; Skeena, William Manson; Cariboo, M. Callahan, M. D., and J. A. Fraser; Lillooet, A. McDonald; Yale, Hon. Richard McBride; Kamloops, J. P. Shaw; Okanagan, Hon. Price Ellison; Similkameen, L. W. Shatford; Greenwood, J. R. Jackson; Grand Forks, Ernest Miller; Revelstoke, Hon. Thomas Taylor; Slocan, W. Hunter; Ymir, J. H. Schofield; Nelson City, Harry Wright; Ross-







THE HON. W. J. BOWSER  
Attorney general



THE HON. HENRY ESSON  
YOUNG  
Provincial secretary and min-  
ister of education



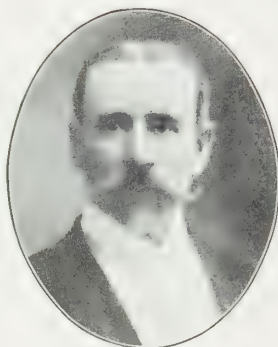
THE HON. SIR RICHARD  
McBRIDE  
Prime minister



THE HON. WILLIAM R. ROSS  
Minister of lands



THE HON. PRICE ELLISON  
Minister of finance and agri-  
culture



THE HON. THOMAS TAYLOR  
Minister of works and railways



THE HON. D. M. EBERTS  
Speaker legislative assembly



THE HON. ALBERT E.  
McPHILLIPS  
President of the council

PRESENT ADMINISTRATION

land City, W. R. Braden; Kaslo, Neil F. McKay; Columbia, H. G. Parson; Cranbrook, Thomas D. Caven; Fernie, Hon. W. R. Ross.

The Hon. Mr. McBride resigned the Yale seat and Mr. E. A. Lucas, a supporter, succeeded him. In this House there were twenty-six members who had sat in the previous Legislature. Its composition was 38 Conservatives, 2 Liberals and 2 Socialists.

His Honour James Dunsmuir, after three and a half years' occupancy of the position of Lieutenant-Governor, resigned in December, 1909, and was succeeded by the present incumbent of Cary Castle, His Honour Thomas W. Paterson.

In October, 1910, occurred the last change in the McBride Ministry. The Hon. Price Ellison was transferred from the Lands Department to that of Finance and Agriculture; Mr. W. R. Ross, the member for Fernie, became Minister of Lands; the Hon. F. L. Carter-Cotton resigned the Presidency of the Council and was succeeded by Mr. A. E. McPhillips, the member for The Islands.

Until about 1909 the whole développement of the province was confined to a comparatively narrow strip lying close to the American frontier. All the towns, all the railroads, all the industries, speaking generally, were there. The great hinterland, stretching for hundreds of miles to the northward, was, with the exception of a ribbon along the Cariboo road, unoccupied and almost unknown. But such information as was at hand, whether from the Hudson's Bay Company, from the workers upon the Overland Telegraph scheme, from surveyors and prospectors, from casual travellers, or from trappers and wandering traders, was clear and distinct that rich areas of farming and pastoral lands, great wealth in minerals, precious and base, and enormous forests of valuable timber were there awaiting only the key of modern transportation, which should open the treasure house to the eyes of the world.

In 1903 the Canadian Government brought forward a proposal for the construction of the National Transcontinental Railway, or as it is commonly called, the Grand Trunk Pacific Railway, which should connect the Atlantic and the Pacific by a line northward of the Canadian Pacific Railway, and which, entering British Columbia by the Pine River Pass or the Yellowhead, should render accessible the untold latent wealth of northern British Columbia.

The main idea of the scheme was its division, at Quebec, into two

sections. The easterly portion was to be built by the Government, and leased to the company for fifty years, the first seven of which were to be without charge; for the remainder of the term the rental was to be three per cent upon the cost. The western portion was to be constructed by the company, the Government guaranteeing principal and interest on the bonds for three-fourths of its cost, not exceeding \$13,000 a mile on the prairie section, and \$30,000 a mile on the mountain section. The Government agreed to pay the interest on these bonds for the first seven years, without recourse against the company.

The people of British Columbia were anxious, as in the case of the construction of the Canadian Pacific Railway, that the construction should be commenced from the coast, eastward. To satisfy this demand, Mr. C. M. Hays, the president of the company, issued a letter, dated July 12, 1904, stating that: "So soon as the progress of the surveys in British Columbia will permit, construction will be commenced from the Pacific coast to the end of the road and be carried on continuously in an easterly direction until that road is completed. In fact, such action will be necessary to complete the road within the time limit." In the face of this pronouncement, Mr. F. W. Morse, the General Manager, endeavored in February, 1905, to effect an arrangement with the McBride Government for a land subsidy of 20,000 acres per mile for the 480 miles to be built in the province in return for immediate construction from the coast eastward. This was regarded as a breach of faith, and the McBride Government indignantly refused to entertain the proposition.

Again the Rocky Mountains and northern British Columbia swarmed with surveyors, as in the early seventies. In February, 1905, Mr. A. S. Going of Victoria, in charge of the surveys, reported that, in addition to the Kicking Horse Pass (already occupied by the Canadian Pacific Railway) there existed nine distinct passes through the mountains. But again the natural advantages of the Yellowhead Pass won for it the day, and the Grand Trunk Pacific was located through it, following in the main the line which had been favored for the Canadian Pacific Railway, but later diverging therefrom, owing to its more northerly terminus. In announcing the route Mr. Morse stated that the new railway would have the lowest grades and the least curvature of any transcontinental line.







BARGE ON FRASER RIVER, AT "53-MILE," ON LINE, GRAND TRUNK PACIFIC RAILWAY



ON LINE OF GRAND TRUNK PACIFIC RAILWAY, AT "53 MILE"

The terminus at Prince Rupert having been selected and the difficulties surrounding its acquisition from the Indians and from the Provincial Government having been arranged, the construction of a section of about one hundred miles up the valley of the Skeena River was commenced. The contract for this portion and for all the work in British Columbia was given to Messrs. Foley Brothers, Welch, and Stewart. Progress from the coast was very slow, owing to the great amount of rock work.

The construction from the eastward went on apace; the steel of the Grand Trunk Pacific Railway crossed the boundary of the province in the summer of 1912. When the season's work was ended it had been laid to a point fifty-three miles within our borders. The upper reaches of the Fraser and the Nechaco along and in the vicinity of which the line had been located, afforded facilities for the transportation of supplies along a distance of nearly 200 miles. During 1913 an army of workers were employed; the two steamers, *Conveyor* and *Operator*, which had been built in the preceding year, carried and distributed between 40,000 and 50,000 tons of freight for railway work along the line; steam shovels and trains of dump cars were busy, night and day, making "cuts" and "fills"; and a mechanical track-layer, the *Pioneer*, capable, under pressure, of laying two miles a day, kept the steel close on the heels of the completed grade, with the result that by the end of July the track had been laid to the second crossing of the Fraser, nearly one hundred miles. The hope is entertained that Fort George, which is 237 miles from the boundary, will be reached before the end of 1913.

The work from the coast, besides being very heavy, has been much handicapped owing to the absence of any considerable stretches of navigable water. It is, however, confidently expected that, by April, 1914, the line from Prince Rupert will be completed as far as Endako, near Fraser Lake; and it is quite within the range of probability that December, 1914, will see the last spike driven and the Grand Trunk Pacific completed from sea to sea.

Speaking of this railway, as in his mind's eye he saw it completed, Mr. Cy Warman, a journalist of considerable reputation, wrote in July, 1906: "This, I believe, is to be a model line in every particular. It will profit by the mistakes of all existing lines and take advantage of every modern improvement. Nothing will be wasted, no oppor-

tunity for the reaping of legitimate reward for the men who furnish the capital will be neglected. The company will build, own, and operate its own telegraph, handle the express business, provide hotels and restaurants. It will have a line of steamers on the Atlantic and another on the Pacific and a fleet on the lakes."

It only remains to enumerate some of the principal improvements which have been effected under Mr. McBride's able governance. First and foremost must be set the placing of the province on a sound financial basis, the accumulated surplus being sufficient to liquidate the whole funded debt. The other changes wrought by him include the bringing the Canadian Northern transcontinental line into British Columbia, the building of the Kettle Valley railway, the satisfactory arrangements with the Grand Trunk Pacific Railway Company regarding its terminus at Prince Rupert, the legislation conserving the water-power and the timber; the legislation compelling lumbermen to manufacture within the province all timber cut on Crown lands; the endeavor to preserve the public lands as far as possible for the actual settler; the inauguration of the Provincial University; the very large increase in public works, especially roads, trails, and bridges, throughout the province; the opening up of the undeveloped—untouched—northern portion of the province; the impetus given to agriculture and fruit growing; the establishment of a new, modern, and thoroughly-equipped hospital for the mentally afflicted, and of a model farm in connection therewith that will be an object lesson to the whole of Canada; the improvement of the civil service and the appointment of a civil service commission; legislation to give greater safety to workers in mines and the inauguration of stations for rescue work in coal mines; and an energetic publicity work which has been one of the greatest factors in inducing settlement and the introduction of capital.

In June, 1912, the work of Mr. McBride was fittingly recognized and the province was honoured by the conferring upon him of the order of knighthood,—Sir Richard McBride, K. C. M. G.







FIRE HALL AND HARBOUR, 1913, PRINCE RUPERT



DRAWING OF TWO-MILLION-DOLLAR  
HOTEL, BUILDING BY G. T. P.,  
AT PRINCE RUPERT



HOSPITAL, PRINCE RUPERT



KING EDWARD SCHOOL, PRINCE RUPERT



GRAND TRUNK PACIFIC WHARF AND TERMINALS, 1911



SECOND AVENUE, PRINCE RUPERT  
From site of new Grand Trunk Pacific Hotel



THIRD AVENUE, PRINCE RUPERT, 1913



PRINCE RUPERT DRY DOCK, SEPTEMBER, 1913



## CHAPTER XXXI

### THE ALASKA BOUNDARY DISPUTE

The Alaska boundary dispute, which had been a continual source of annoyance for thirty years, was settled by the award of the Alaska Boundary Tribunal in 1903. We shall now sketch the origin and progress of this, the last of our boundary troubles.

By the treaty of 1825 between Great Britain and Russia the boundary line separating their possessions on this coast was to be drawn as follows:

"The line of demarcation between the possessions of the high contracting parties, upon the coast of the continent, and the islands of America to the North-west, shall be drawn in the manner following:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes, north latitude, and between the 131st and 133rd degree of west longitude (Meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude (of the same meridian); and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British Possessions on the continent of America to the North-west.

"With reference to the line of demarcation laid down in the preceding article it is understood:

"First. That the island called Prince of Wales Island shall belong wholly to Russia.



"Second. That whenever the summit of the mountains which extend in a direction parallel to the coast, from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude, shall prove to be at the distance of more than 10 marine leagues from the ocean, the limit between the British Possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of 10 marine leagues therefrom."<sup>1</sup>

The first trouble in reference to the rights under that treaty occurred in 1834. The Hudson's Bay Company was desirous to found a trading post on the Stikine more than ten marine leagues from the ocean, and for that purpose had sent Peter Skene Ogden to examine the locality in the preceding year. But when he attempted, in the following June, to ascend the river with men, materials, and trading goods, he found the Russians prepared to oppose his advance. As they showed a determined front and had a brig mounting fourteen guns and carrying a crew of eighty-four men, Mr. Ogden rightly concluded to abandon the undertaking. The Hudson's Bay Company thereupon filed a claim for damages amounting to £22,150, 10s, 11d.<sup>2</sup> After being discussed by the Foreign offices of the two Governments, the question was very properly left to be settled by the real parties in interest, Baron Wrangel of the Russian American Company and Mr. George Simpson of the Hudson's Bay Company. For the purpose of this negotiation each of these persons was named by his Government its plenipotentiary. In the end the disputed claim was settled by the Russian company granting to its opponent a lease of the strip of land from latitude 54° 40' north to Cape Spencer on Cross Sound. The lease was renewed from time to time and was in existence when the United States purchased Alaska from Russia in 1867.<sup>3</sup>

The first Legislative Assembly of British Columbia in its very first session, 1872, brought to the attention of the Dominion Government the necessity of delimiting the boundary. The recent discoveries in Omineca induced the belief that extensive mining operations

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<sup>1</sup> Articles III and IV of Treaty 1825, in Appendix to Case of United States: Alaska Boundary Tribunal, p. 12.

<sup>2</sup> Alaska Boundary Tribunal, Vol. 2, pp. 272-3.

<sup>3</sup> Alaska Boundary Tribunal, Appendix to British Case, p. 150, British Case, p. 87.





PORCUPINE COMMISSION - CHILKAT MINING DIVISION



COMMISSIONERS' CAMP, CHILKAT

would soon be established in the northern part of the province and it was thought that the maintenance of peace, order, and good government would be materially assisted by having the Alaskan boundary marked upon the ground.<sup>4</sup> At that time the discrepancies later discovered in the description of the line were not known. In corresponding with the Dominion authorities, Lieutenant-Governor Trutch mentioned that the "initial point of this line on the mainland is debatable."<sup>5</sup>

The British Minister enquired whether the United States would agree to the appointment of a Commission to define the boundary. President Grant in his message to Congress, December 2, 1872, after referring to the settlement of the San Juan Island dispute and to the advisability of adjusting questions of boundary while the region is sparsely populated and before conflicting interests of individuals or of jurisdiction have arisen, recommended the appointment of a joint commission to determine the location of the line.<sup>6</sup> It was estimated that the expense for the United States alone would be about a million and a half of dollars, and that it would require ten years to complete the work. This being regarded as prohibitive, the British made the suggestion that it might be sufficient to mark the principal points and indicated that in their opinion these were the head of Portland Canal and the places where the line crossed the rivers Shoot, Stikine, Taku, Iselcat (Chilcoot), and Chilcat, Mount St. Elias, and the points where the 141st degree of west longitude crossed the Yukon and Porcupine rivers.

The discovery of the Cassiar diggings in 1873 and the necessity of approaching them through American territory led to a conflict between the United States officials at Wrangel and the British Columbia miners and traders. The former, in breach of the 26th Article of the Treaty of Washington, refused to allow British vessels to carry freight through American territory. The bone of contention was the trade of these new regions, and the hampering effect of such illegal restrictions would go far to decide the question. The Lieutenant-Governor brought the subject to the notice of the Dominion, and it passed into the realm of diplomacy. The Canadian

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<sup>4</sup> 12th March, 1872, Journals, p. 36.

<sup>5</sup> Alaska Boundary Tribunal, American Argument, Vol. 5, p. 166.

<sup>6</sup> Alaska Boundary Tribunal, Appendix to the British Case, p. 168.



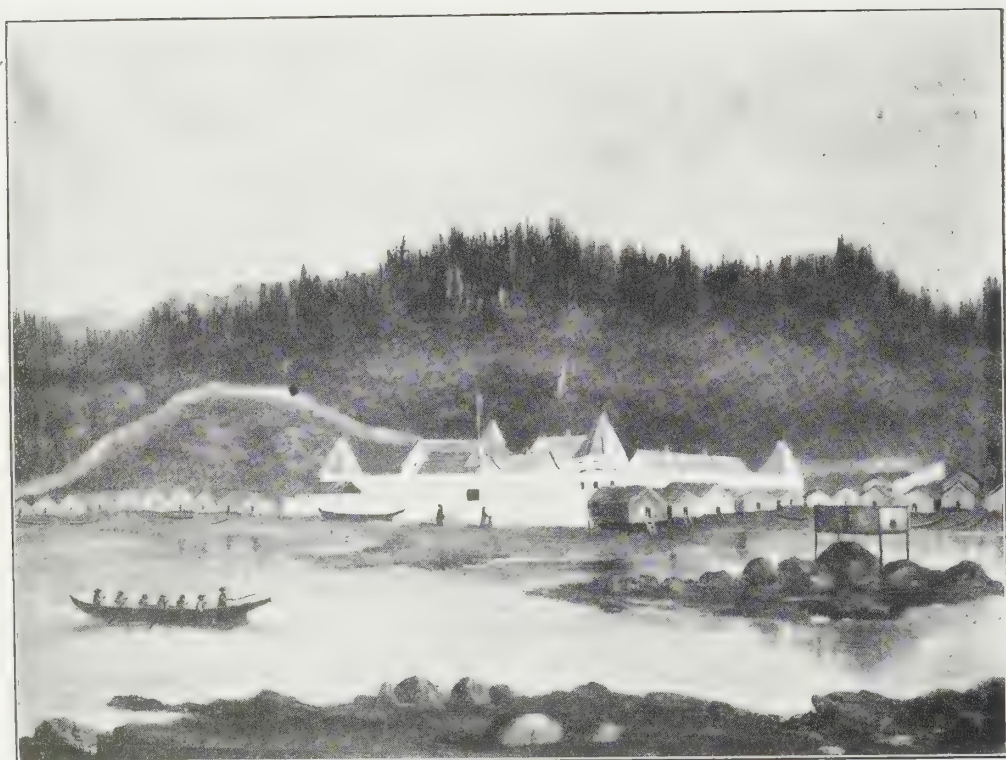
authorities at the same time enforced coasting restrictions on the Stikine and considerable local friction arose. To obviate further disputes the Legislature of British Columbia requested that the Dominion Government be urged to take steps to have the boundary line determined and established.<sup>7</sup> The view point in this trouble was plainly put by Mr. James A. Grahame, the officer of the Hudson's Bay Company, in charge of the Western Department, in a letter dated October 27, 1873: "The nearest British port to the Stikine River is Fort Simpson, and it is feared that the Americans may derive more advantage from these mines than ourselves as they have a good port at Fort Wrangel, where cargoes could be transhipped from ocean to river steamers, while river steamers would not answer for the navigation from Fort Simpson to the river."

It was plain that trouble would arise. In September, 1876, the long expected event occurred. One Peter Martin, said to have been a naturalized American, was convicted at the Cassiar assizes, held by Mr. Justice Gray at Laketon, for assault and other crimes. The only practicable route of conveying him to Victoria gaol, where he was to serve his sentence, was down the Stikine River. In the course of the journey the party landed below Buck's, a trading post kept by one Choquette. Buck's was situated about two miles further up the river than a conventional boundary line, which had been established a short time before. The point at which the landing was made was not exactly located, but it was said to be from ten to twenty miles from the mouth of the river. There Martin managed to seize a gun, and made a deadly assault upon his guards. He was overpowered, and taken to Victoria to serve the original sentence and to await trial for this new offence. The United States Consul brought the matter to the attention of his government, claiming the prisoner's release from the original imprisonment by reason of his having been brought through American territory without permission by British officers, and urging also that he should not be tried for the new offence as it had not happened on British soil. This, of course, raised the question of the construction of the treaty and all the knotty questions which surrounded the subject. While the diplomatic correspondence went on the prisoner was tried and convicted. The view taken by the Canadian authorities was that the conviction for the

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<sup>7</sup> Journals, January 7, 1874.

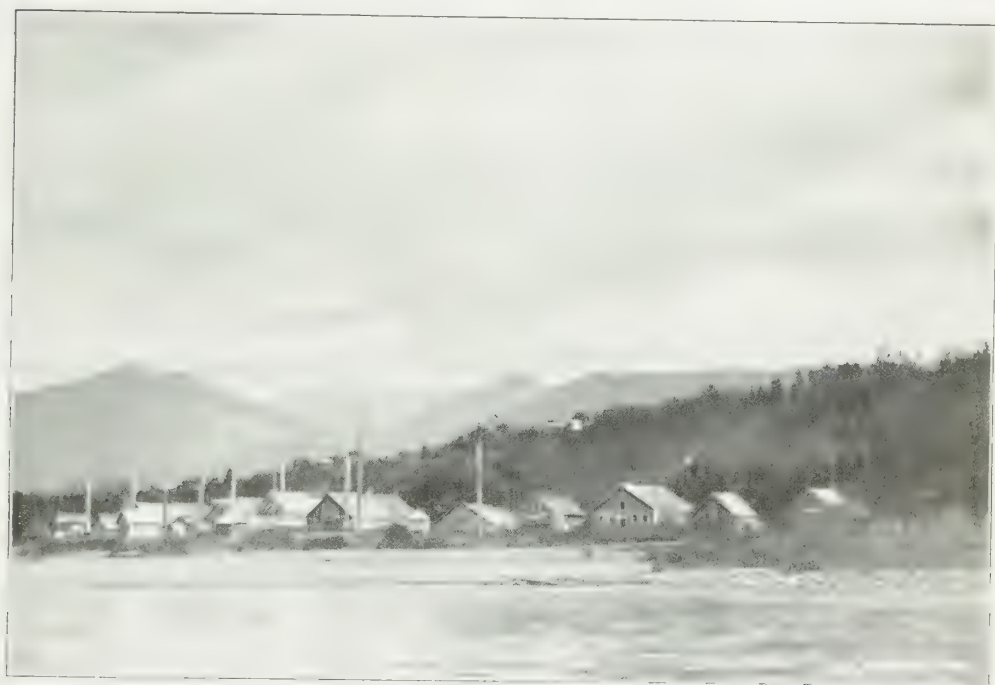




FORT SIMPSON



TOWN OF PORT SIMPSON. 1900



TOTEM POLES, INDIAN TOWN. PORT SIMPSON





assault must fall, because it could not be shown affirmatively that the spot where it happened was within British Columbia; but, as regarded the original offence, inasmuch as the free navigation of the Stikine was granted by the 6th Article of the Treaty of 1825, there was nothing illegal in bringing Martin through American territory, down the river. It was contended that the 26th Article of the Treaty of Washington, 1871, which limited the free navigation of the Stikine and other rivers to purposes of commerce, did not abrogate the terms of the earlier treaty. The question was, however, referred to the law officers in London who took the contrary view on this point, and in deference to that opinion Peter Martin was released in October, 1877. In so doing, no reasons were given to the United States for the step.<sup>8</sup>

With the decrease of Cassiar the interest in the location of the boundary line died away. Mr. Joseph Hunter, C. E., of Victoria, was nevertheless instructed early in 1877, while the discussion of the Peter Martin case was going on, to ascertain approximately the point on the Stikine River ten marine leagues from the ocean, and at the same time to mark the point where the mountains parallel to the coast, if such a range existed, crossed that river. Mr. Hunter located both points. The former at about 55 miles from the mouth of the Stikine, the latter at 24.74 miles therefrom; both of these measurements followed the sinuosities of the river.<sup>9</sup>

The American officials constantly claimed that Congress would not grant the funds necessary to enable even the few points where the line crossed the rivers already mentioned to be marked; and, in December, 1877, the Canadian Government fell into line and suggested that it would be sufficient to agree upon the point where the line crossed the Stikine. In March, 1878, both Governments accepted as a conventional division, the point marked by Mr. Hunter as being ten marine leagues from the ocean.<sup>10</sup>

There the matter rested for five or six years.

In 1884 Professor William H. Dall of the Smithsonian Institution, who had been intimately connected with the Western Union Telegraph scheme of 1865, and was regarded as an authority upon

<sup>8</sup> Alaska Boundary Tribunal, Appendix to the British Case, pp. 185-235.

<sup>9</sup> *Id.*, 226-231.

<sup>10</sup> Order in Council, December 6, 1877, Appendix to the British Case, p. 237-243.

Alaskan matters, placed the difficulty in regard to the interpretation of the treaty before Dr. George M. Dawson of the Geological Survey of Canada, suggesting that before the question had attained any importance or the region any value, a line of demarcation should be agreed upon. By this time the United States had begun to claim, as no doubt the fact is, that there are no mountains "parallel to the coast"—that is, no continuous range. The British, at the same time, intimated that the strip—"la lisière de côte," as the treaty terms it—should be drawn without reference to the inlets, i. e., it should disregard the indentations (none of which exceed six miles in width) and thus be measured from their mouths.<sup>11</sup>

There was also a difficulty in reference to the water boundary. As Dr. Dawson pointed out, the line beginning at the southerly point of Prince of Wales Island, instead of ascending to the north must, if Portland Canal of our maps be the Portland Channel of the treaty, be drawn eastward for fifty miles, and again, the head of Portland Canal does not strike the 56th parallel of north latitude, as it would appear that the Portland Channel of the treaty does. Hence it was argued that Clarence Strait was the waterway which was referred to in the treaty as Portland Channel.

The United States, on the other hand, claimed that the *lisière* extended around the heads of the various inlets, inasmuch as the treaty required it to be drawn parallel to the windings of the coast—"parallèle aux sinuosités de la côte"—and that the line from the southern point of Prince of Wales Island must be drawn up Portland Canal, regardless of the compass direction or other difficulties.

These questions and others intertwined therewith were, in 1888, discussed informally and unofficially by Professor Dall and Dr. Dawson representing the two Governments; but though agreeing on many matters, they found a stumbling block in the Chilcoot Portage. The principal route to the Yukon, where even at that time considerable placer mining was being carried on, led across this portage. Both wanted possession of the head of Lynn Canal, thereby controlling the trade of the Yukon. They agreed however in the undoubted truism: "The sooner the matter is settled and decided the better for both countries."<sup>12</sup>

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<sup>11</sup> Appendix to the British Case, pp. 249-255.

<sup>12</sup> Id., pp. 258, 263; Appendix to U. S. Counter Case, p. 97.







SCOWS AT BENNETT, LOADING FOR DAWSON

Again the matter lay quiescent for four or five years.

By a convention of July 22, 1892, it was agreed that a co-incident or joint survey (as might in practice be found most convenient) should be made of the territory adjacent to the disputed part of the boundary line with a view to the ascertainment of the facts and data necessary to the permanent delineation of the line, in accordance with the spirit and intent of the treaty.<sup>13</sup> Mr. W. F. King, Chief Astronomer of the Department of the Interior of Canada, was appointed British Commissioner, and Mr. T. C. Mendenhall, Superintendent of the United States Coast and Geodetic Survey, the American Commissioner. In 1895 the latter was superseded by W. W. Duffield. The United States Commissioner undertook to make careful surveys of the principal rivers traversing the coast strip; the British undertook a photo-topographical survey of the mountainous region lying between the various watercourses. Their report, which was made on December 31, 1895,<sup>14</sup> was accompanied by a series of maps of the region and a collection of photographic views showing the topographical features. These made the British contention that there existed a plain range of mountains parallel to the coast a difficult position to maintain; the country could be most properly described by the phrase so often credited to Edward Blake (though he did not coin it), "a sea of mountains."

While this commission was at work the House of Representatives of the State of Washington passed the following resolution:

"Whereas England, with her usual cupidity and avarice, and pursuant of her time-honored custom of attempting, at all hazards, to get control of all newly developed sources of wealth, in whatsoever country situated, and to appropriate to her own benefit the present and prospective commerce of the seas, whether rightfully or otherwise, has asserted claims to harbours, bays and inlets, through which the greater portion of the commerce and trade of and with the territory of Alaska must be carried on, and which, of right, belongs to the United States.

"And whereas the United States will be robbed and despoiled of the trade and commerce of a veritable empire, and suffer a diminu-

<sup>13</sup> Appendix to British Case, p. 272.

<sup>14</sup> *Id.*, pp. 282, 286

tion of the wealth with which nature has endowed said territory, if the claims and policy of Great Britain as aforesaid shall prevail:

"Therefore be it resolved by the House of Representatives of the State of Washington, the Senate concurring, that our members of Congress be requested, and our Senators instructed, to use all honourable means, that the rightful claims of the United States relative to said harbours, bays and inlets, be scrupulously maintained, and that an unequivocal policy on the part of the United States Government in relation thereto, be fully carried out."<sup>15</sup>

This legislative curiosity is worthy of preservation, as showing the American view that any construction differing from that adopted by them was an attempt to filch territory from them. Public opinion amongst our neighbours to the southward quickly hardens, wherever the British are concerned, into a stubborn and unwavering belief that there is neither justice nor equity—nor even good faith—in the claims or interpretations which are opposed to their interest and which do not yield to them every jot or tittle that they ask.

It had been understood that upon the receipt of the report from the Boundary Commission, steps would be taken to establish the line, but nothing further was accomplished diplomatically for some years. In 1896 however the American Government caused storehouses to be erected on Pearse and Wales Islands at the entrance to Portland Canal, and the American flag to be raised thereon<sup>16</sup> as a sort of nineteenth century edition of the old "taking possession" so much in favour in the days when Spain was at her zenith. A convention of January 30, 1897, to fix the location of the 141st meridian, failed, as many another has done, to obtain the ratification of the Senate.<sup>17</sup>

In the meantime the discovery of the treasures of the Klondike drew thousands of miners and other adventurers into that far northern realm. Skagway, at the head of Lynn Canal, became the gateway to the Yukon. Then the question which had been debated spasmodically for twenty-five years assumed great importance. As in the cases of the Oregon boundary and the San Juan dispute, so in the Alaska boundary, the question had been allowed to drift along until the country became valuable and was attracting attention. Can

<sup>15</sup> Beggs Review of Alaska Boundary Question, pp. 20, 21.

<sup>16</sup> Appendix to British Case, pp. 300-304.

<sup>17</sup> *Id.*, pp. 287-289.

it be a matter of surprise that loud complaints have gone up from Canada against the apathy of the British Foreign Office in regard to these boundary disputes? Does it not seem that the opinion of Lord Ashburton has been crystallized into a guiding principle for that office?

In February, 1898, the British Government suggested that the determination of the disputed boundary should be referred to a commission consisting of three jurists of high standing, and that pending its settlement some *modus vivendi* might be arranged.

A Joint High Commission, composed of Sir Julian Pauncefote, the British Minister at Washington, Hon. L. H. Davies, the Minister of Fisheries of Canada (now Sir L. H. Davies, Justice of the Supreme Court of Canada), Hon. John W. Foster, the Secretary of State of the United States, and Hon. John A. Kasson met in Quebec and Washington during 1898-1899 to arrange various matters in dispute between Canada and the United States. The Alaska boundary question was one of these subjects, but though it was discussed for some weeks and the British Commissioners renewed the offer to refer to arbitration, no agreement could be reached. This discussion brought clearly into view the fact that the great question would be whether the boundary should be drawn around the heads of the inlets or parallel to the general trend of the coast.<sup>18</sup>

For the necessary despatch of business a *modus vivendi* was arranged in October, 1899, fixing a conventional boundary on the Dalton trail near the Klehini River and on the Dyea and Skagway trails at the summits of the Chilcoot and White Passes.<sup>19</sup>

Finally, on January 24, 1903, after dragging along for more than thirty years a convention was entered into whereby a tribunal was created to decide the questions involved in the boundary dispute. That tribunal was to consist of "six impartial jurists of repute, who shall consider judicially the questions submitted to them." Three members were to be appointed by each disputant and the decision of the majority was to govern.

The questions to be submitted to this body were as follows:

1. What is intended as the commencement of the line?
2. What Channel is the Portland Channel?

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<sup>18</sup> Appendix to British Case, pp. 297-299.

<sup>19</sup> Id., p. 305.



3. What course should the line take from the point of commencement to the entrance to Portland Channel?

4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of said convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisiere* which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisiere* was to be measured (*a*) from the line of the general direction of the mainland coast, or (*b*) from the line separating the waters of the ocean from the territorial waters of Russia, or (*c*) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary? <sup>20</sup>

<sup>20</sup> Alaska Boundary Correspondence, January, 1904, p. 41.

In the correspondence preceding this convention the Canadian Government had expressed satisfaction with the above questions, but before consenting they wished further information regarding the composition of the arbitral tribunal. Their suggestion was that body should include some independent jurists not subjects of either state, or that the reference should be to the Hague Tribunal. This proposition would not be entertained by the United States. An endeavor to obtain a promise that the American members of the tribunal would be selected from among the Judges of the Supreme Court also failed, nor could any intimation be obtained as to the personnel of these members.

The treaty was ratified by the Senate on February 11th and three days later it was learned that the American "jurists of repute" were Mr. Root, the Secretary of War, Senator Lodge of Massachusetts, and Senator Turner of Washington. In Canada great disappointment was expressed at this selection; it ended any possibility of a favourable termination. The Canadian Government stated frankly that they had expected the tribunal to be composed of "impartial jurists of repute" as the convention called for—men who would approach the subject with unbiased minds, and thereby a judicial interpretation of the treaty of 1825 be obtained. The appointment by the United States of gentlemen who were not judges and whose known and expressed views left no expectation of an impartial and judicial consideration of the questions to be submitted changed the whole situation. If Canadian interests only had been involved the Canadian Government would not have hesitated to withdraw from further participation in the proceedings. Yet very honourably, they would not agree to the suggestion that the British appointments should be "impartial jurists of repute" of the same stripe, and gave their opinion that only judges of the higher courts, who in the best sense of the words would be such jurists, should be chosen.<sup>21</sup>

Accordingly, Lord Alverstone, the Lord Chief Justice of England, Sir Louis Amable Jetté, Lieutenant-Governor of Quebec, and the Hon. John Douglas Armour, a puisne Judge of the Supreme Court of Canada, were appointed as impartial jurists of repute by the British Government. Soon after his arrival in London where the tribunal was to sit, Mr. Justice Armour died, and his place was

<sup>21</sup> *Alaska Boundary Correspondence*, p. 45.  
Vol. II—36

filled by Mr. (now Sir) A. B. Aylesworth, afterwards the Minister of Justice of Canada.

The Hon. John W. Foster was the Agent of the United States, and the Hon. Clifford Sifton the Agent of Great Britain. Mr. J. R. Carter, second secretary of the American Embassy, and Mr. Joseph Pope, C. M. G., Under-Secretary of State for Canada, were chosen as associate secretaries of the tribunal, over which Lord Alverstone presided. Mr. Reginald Tower, the British Minister at Munich, was chosen secretary.

The counsel on behalf of Great Britain were: Sir Robert Finlay, K. C., M. P., the Attorney-General of England; Sir Edward H. Carson, K. C., M. P., the Solicitor-General of England; Messrs. Christopher Robinson, K. C., F. C. Wade, K. C., L. P. Duff, K. C. (now one of the puisne Judges of the Supreme Court of Canada), and A. Geoffrion, K. C., of the Canadian bar; and Messrs. S. A. T. Rowlatt and J. A. Simon of the English bar. The counsel on the part of the United States were: the Hon. Jacob M. Dickinson, and Messrs. David T. Watson, Hannis Taylor, and Chandler P. Anderson.<sup>22</sup>

Before the tribunal sat the American press were proclaiming that the worst the United States could get out of the arbitration was a continuance of the *modus vivendi* of 1899 which shut the British out from the water. "None of the American Commissioners," stated the despatch from Washington, "will yield a single point." Impartial jurists of repute!!<sup>23</sup>

The real question before the tribunal—"the matter of supreme importance at issue," as the Hon. Mr. Foster styled it in his report—was whether British Columbia should have a sea-port on the various inlets. The region through which the boundary would be drawn (whichever contention prevailed) is a jumble of mountains, a lifeless, vast, bleak, forbidding waste of ice and snow; and the importance of the questions depended upon their relation to the great under-lying issue. The discussion soon showed this. There was no dispute about the point of commencement—Cape Muzon. From that point to the head of "Portland Channel" both agreed that the line ascended the waterway known as Portland Canal, one claiming

<sup>22</sup> Alaska Boundary Tribunal, Vol. I, pp. 1-27.

<sup>23</sup> *Seattle Post-Intelligencer* in *Victoria Colonist*, May 3, 1903.

that it passed to the north, the other that it passed to the south, of Wales, Pearse, Sitklan, and Kannaghunut islands. The storm centre was the fifth question: did the boundary run around the heads of all the inlets? This was a question of construction of the treaty to ascertain the intention of Great Britain and Russia at the time. All the correspondence and every scrap of written record concerning the negotiations which culminated in the treaty were raked together by one or other of the disputants. One clause governing the Alaska Tribunal provided that it should "take into consideration any action of the several Governments, or of their respective Representatives, preliminary or subsequent to the conclusion of the said Treaties, so far as the same tends to show the original and effective understanding of the Parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said Treaties."<sup>24</sup> This enabled the United States to obtain, perhaps rightly, the full benefit of her practically undisputed possession of the head of Lynn Canal and other places within the limits claimed by Great Britain.

The tribunal sat in London from September 3 to October 8, 1903. Both written and oral arguments were presented. The award of the majority, Lord Alverstone, Secretary Root, and Senators Lodge and Turner was made on October 20, 1903. Sir Louis Jetté and Mr. A. B. Aylesworth filed dissenting opinions at the same date.

The tribunal found (1) that the point of commencement was Cape Muzon; (2) that Portland Channel of the treaty runs from about 55° 56' north latitude, and passes to the southward of Sitklan and Kannaghunut islands and to the northward of Pearse and Wales islands. In answer to the fifth question the majority found that it was the intention that a continuous fringe of coast not exceeding 10 marine leagues in width would separate the British possessions from the water between the 56th parallel and Cross Sound. The answers to the 3rd, 4th and 7th questions, dealing with the *minutiae* of the line are of little interest for the foot of no human being but the hardy boundary surveyor ever has trodden, or in any human probability ever will tread the inhospitable, almost inaccessible, desert of ice and snow through which the line is drawn.<sup>25</sup>

<sup>24</sup> Alaska Boundary Convention, January 24, 1903, Article III.

<sup>25</sup> Alaska Boundary Tribunal, Vol. 1, pp. 29 to 32.



The conduct of Lord Alverstone in the final stages of this discussion led to some feeling in Canada, and it can not be denied that it was such as to give grounds for the hostile comment. The only question concerning the exact line of the water boundary was: Does Portland Channel run to the north or to the south of the four islands—Pearse, Wales, Sitklan, and Kannaghunut? It is an open secret that Lord Alverstone had intimated his opinion that it ran to the northward of all these islands, as Canada contended. Indeed, he had given to the Canadian commissioners (and it is still in existence) a copy of his written opinion to that effect. But, nevertheless, when, as president, he put the question, instead of treating the four islands as one and indivisible as they had been treated throughout, he first enquired: "Does Portland Channel run to the north of Pearse and Wales Islands?" To the surprise of everyone the reply was *unanimously* affirmative. Then came a second surprise. He put a sub-question, which up to that moment had never been dreamed of: "Does Portland Channel run to the north of Sitklan and Kannaghunut Islands?" The majority, i. e. Lord Alverstone and the three American impartial jurists of repute, answered that it did not.<sup>26</sup> As Mr. F. C. Wade, one of the Canadian counsel, has very pertinently asked: "If this was not a compromise, is it not singular that at the moment when the United States commissioners decided to change their mind as to two of the islands, and Lord Alverstone decided to change his judgment as to the other two, his Lordship was the one to come forward with a subdivided question which just met the new conditions?"<sup>27</sup> It is true that in this compromise Canada obtained the two larger islands, but those which were awarded to the United States occupy a position of great strategic importance and the loss of them to Canada may be seriously felt in the future.

The *Times* reflected the usual British attitude: "The inestimable gain of settling definitely a question which offered perennial opportunities for exciting discord between the two great kindred nations is one that far outweighs any disappointment aroused by a decision

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<sup>26</sup> Sir Louis Jetté in *Alaska Boundary Correspondence*, p. 68.

<sup>27</sup> *Canadian Magazine*, vol. 22.

which after all practically leaves things as it in fact found them."<sup>28</sup> The award was received in the United States with salvos of applause; in Canada with out-spoken dissatisfaction. Had the tribunal been composed of persons who could properly be called "impartial jurists of repute" the award would have been disappointing, but no dissatisfaction would have existed. There was also a strong feeling that the interests of Canada had again been sacrificed on the altar of Anglo-American friendship.

The actual work of laying down upon the ground the boundary so easily traced on paper in London was commenced in 1905. It occupied over seven years. The survey was carried out by joint parties of Canadians and Americans, and its cost was borne equally by the two governments. The Canadian officials included Noel J. Ogilvie, Frederick Lambert, Douglas H. Nelles, Thomas P. O'Reilly, William B. Gilmore, and D'Arcy Arden. O. H. Titman was the American commissioner.

The astronomical determinations being made the various surveying parties began the work of delimitation. One party prolonged the line by the most accurate methods, another cut out the timber, where it existed, between the located points, while others took up the triangulation and the mapping. The pristine peace and quietness of the dreary wilderness, the tangled forests, the frozen swamps, and the ice-girdled mountains were temporarily destroyed. Pack trains were continually on the move; men swarmed along the narrow lane of the boundary making the hills re-echo with the ring of many axes; and the strange and varied sounds of civilization were heard for the first and last time in that land of desolation. The work went on through the short northern summers. One constant scourge was present—the mosquito of the ice-bound north, of whose blood-thirsty qualities every traveller has written.

Owing to their extreme height and the difficulty of access the mountains marked by the tribunal were not climbed in many instances, but the boundary was made by running straight lines joining the peaks. Where these lines crossed timbered land vistas twenty feet wide were cut; and wherever possible the more prominent points were marked. The monuments were of aluminum bronze, and of

<sup>28</sup> Ewart's *Kingdom of Canada*, pp. 299-347.

two sizes. The larger, which were about five feet high and tapering toward the top were placed at important and accessible spots; but for the minor or less accessible points the smaller and more portable obelisks were used. These were hollow cones about three feet high resting on four legs set into a bed of cement or into holes drilled in the solid rock.<sup>29</sup>

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<sup>29</sup> National Geographic Magazine, March, 1908; *The Province*, September 27, 1910; September 25, 1911.

## CHAPTER XXXII

### CHINESE AND JAPANESE IMMIGRATION

On the very earliest wave of the impetuous tide of 1858 came the Chinese. But cautious as usual, they first sent one to reconnoitre. On his return he represented the country as very rich and the miners as taking out gold "by the bucketful." He reported that he had been offered \$20 a day and his board as a cook, and regretted that, owing to his ambassadorial duties, he could not accept the tempting offer.<sup>1</sup> Inflamed by these statements numbers of Chinese pressed forward with the throngs that shook the wharves of San Francisco in June and July. As the white miners left bar after bar on the lower Fraser where good wages could be made, to follow the latest, but often untrue and always exaggerated, rumors of richer diggings in more inaccessible spots, these little yellow men took up the abandoned ground and toiled patiently and diligently thereon until the returns dwindled to the vanishing point. This is the story of mining: the white miner never content, always working with both ears open to catch the first vague whisper of richer ground to be found just under the fringe of the unknown, ever ready to abandon the substance for the shadow; the Chinaman content, immovable, deaf to such rumors, clinging tenaciously to his ground so long as it continues to yield the scantiest profit.

An examination of the mining records at Yale shows the names of Chinese occurring with increasing frequency, until in 1860 they are in the majority. As early as 1861, the possible menace to the development of the country which their presence in large numbers might involve, and the desirability of levying some special tax upon them, were being discussed, but as every day brought news of new creeks in Cariboo, each richer than the last, little attention was paid

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<sup>1</sup> *San Francisco Globe*, May 16, 1858.



to them. Captain H. M. Ball, who succeeded Mr. W. G. Cox as Assistant Gold Commissioner at Lytton in April, 1863, when the latter was removed to Cariboo, reported soon after taking office that the claims were then principally owned by Chinese.<sup>2</sup> On China Flat, three miles north of Lytton, they had opened and were working ground yielding from one cent to four cents to the pan. In June he informed the Governor that between Lytton and Lillooet alone three hundred Chinese were mining.<sup>3</sup> The Chinese population was then estimated at 2,500.<sup>4</sup>

The following is a literal translation of the address presented by the Chinese to Governor Kennedy on his arrival in Victoria in 1864. It is given as an example of the Oriental mind:

"In the reign of Tong Chee, 3rd year, 2nd month, 26th day.

V. I., 1864 year, 4th month, 2nd day.

Us Chinese men greeting thee Excellency in first degree Arthur Edward Kennedy, thee in first rank country name Vancouver with hangers to it.

All us here be dwellers at Victoria this Island and Columbia British.

Much wish to show mind of dutiful loyalty to this kingdom, mother Victoria Queen, for square and equal rule to us.

Just now must humbly offer much joined mind of compliments to thee Excellency Governor Kennedy, on stepping to this land of Vancouver, that thee be no longer in danger of typhoon us much delighted.

Us be here from year 1858, and count over two thousand Chinese.

This kingdom rule very different from China. Chinese seem much devoted to Victoria Queen for protection and distributive rule of him Excellency old Governor Sir James Douglas, so reverse California ruling when applied to us Chinese countrymen. Us, believing success will come in obeying orders, not breaking inks, holding on to what is right and true.

In trading, hope is good and look out large big prospects for time to come.

Us like this no charge place; see it will grow and grow higher to highest; can see a Canton will be in Victoria of this Pacific.

<sup>2</sup> Lytton Letter Book, April, 1863.

<sup>3</sup> Id., June, 1863.

<sup>4</sup> Brown's Essay on British Columbia, p. 52.

The maritime enterprises will add up wonderfully, and come quick. China has silks, tea, rice, and sugar, etc. Here is lumber, coal, minerals, and fish, an exhaustless supply which no other land can surpass.

In ending, us confide in gracious hope in thee, first degrees, and first rank, and first links, and trust our California neighbours may not exercise prejudice to our grief.

Us merchants in Chinese goods in Victoria, mark our names in behalf of us and Chinese countrymen.

Wishing good luck and prosperity, to all ranks, and will continue to be faithful and true.

Us Chinese men much please Excellency continue to give favour.

Us remember to thee." <sup>5</sup>

The reference to the free port policy—"this no charge place"—shows admirable discernment on commercial topics, especially as regards the future of Victoria under that policy. The large Oriental trade, for which the trans-Pacific lines are to-day struggling, is certainly very plainly fore-shadowed.

The Chinese only took what the white man contemned, confining themselves to abandoned diggings or to work upon the roads then in building. Thus they were able in many instances to avoid the mining license, as the ground usually worked was so poor as to afford no inducement to any one to "jump" it. This was the cause of complaint, and to meet the condition the duties upon supplies used by them were made unusually high.

By degrees they found their way to Cariboo. In 1864 an agitation against them arose there because of the low rate of wages at which they were willing to work.<sup>6</sup> With the stress of dull times, which began in 1866, this feeling increased. By 1869 the situation had become tense. The population was diminishing. The best days of placer mining had passed away. The Chinese reached out into other avocations, where their simple needs and low cost of living gave them a great advantage in competition with the whites. They became storekeepers, traders and packers, farmers, gardeners, and domestic servants.

The movement against them, which for years had been growing

<sup>5</sup> Macfie, *Vancouver Island and British Columbia*, p. 386.

<sup>6</sup> Wm. Moresby's Evidence in Report on Chinese Immigration, 1885, p. 109.

in the United States, soon made itself felt in British Columbia. In 1872 the first Legislature grappled with the question. Resolutions to tax Chinese \$50 per annum and to prohibit them from employment on provincial and federal public works were offered, but defeated.<sup>7</sup> The antipathy to them continued to grow. Two years later another move was made to impose a *per capita* tax upon them. It met the same fate.<sup>8</sup> But at last in 1876, the House resolved that "it is expedient for the Government to take some steps (at as early a date as possible) to prevent this Province being overrun with a Chinese population to the injury of the settled population of the country."<sup>9</sup> This was followed in the second session of 1878 by a resolution that Chinese should not be employed on provincial works and that all contracts should include that prohibition. A special tax of \$10.00 per quarter was imposed at the same time, but the ink upon it was hardly dry before it was declared unconstitutional by Mr. Justice Gray.<sup>10</sup> In the following session a Select Committee reported that there were 6,000 Chinese in the Province and that the growing aversion to their presence was attributable to their inassimilability, their alleged degraded moral and social condition, and their gradual encroachment on industries which formerly afforded employment to the permanent population. Because of their invariable custom of returning to China to spend the remainder of their days after having acquired a competency here, they were never regarded as a part of the permanent population. The committee also requested that the Dominion authorities be asked to take steps to restrict the further immigration of these undesirable people.<sup>11</sup>

In the same year at the urgent solicitation of the members for British Columbia the question, which had now become a burning one, was taken in hand by a Select Committee of the House of Commons, which after sitting some weeks reported that "Chinese immigration ought not to be encouraged" and that "Chinese labour ought not to be employed on Dominion public works."<sup>12</sup> There the matter ended for the time.

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<sup>7</sup> Journals, 1872, pp. 15, 16.

<sup>8</sup> Journals, 1874, p. 18.

<sup>9</sup> Journals, 1876, p. 46.

<sup>10</sup> Journals, 1878, p. 82; Statutes, 1878, C. 35; Report on Chinese Immigration, 1885, App. G.

<sup>11</sup> Journals, 1879, pp. 20, 47, 55, xxiv.

<sup>12</sup> Journals of House of Commons, 1879, Vol. XIII, App. 4.

The anti-Chinese associations, in April, 1880, presented to the Legislature a petition stating that "being determined to oppose the terrible evil of Mongolian usurpation, monopoly of all our industries, and, with cheap labour, the further deprivation of our lands, thus dispossessing our own flesh and blood and congenial races, and to guard against a miscarriage, wrong presentation, misapprehension, and to avoid the possibility of failure in the shape of our obtaining the happy result of British Columbia and the Dominion of Canada for the white man" (whatever this jumble of words may mean) and asking the House "to pass such a measure, Resolution, or Bill as you in your wisdom shall decide, in order to abate the evil complained of and stop the future immigration of Chinese to this country, and to use such necessary means as will make your Act effectual and successful."<sup>13</sup> In response the Legislature urged the Dominion Government to pass a Chinese Restriction Act similar to that in force in Queensland and to empower the province to levy a differential tax of \$15.00 on each Chinese miner and double license fees upon those engaged in other occupations.<sup>14</sup> This foolish resolution was naturally barren of results.

The construction of the Canadian Pacific Railway having been commenced in earnest and large numbers of Chinese being imported, the Legislature in February, 1882, importuned the Dominion Government to take steps to induce the contractors to import and employ white labour exclusively.<sup>15</sup> The Beaven Government passed an order-in-council in support setting out that there were already about 12,000 Chinese in the province, one half of whom were employed on the railway work. They then proceeded to charge the Chinese with introducing loathsome diseases and demoralizing habits, with evading punishment for crime and avoiding payment of their taxes, and with being a non-assimilating alien race against whom the door should be shut, as their presense materially retarded the settlement and development of the province.<sup>16</sup>

In four years of railway construction—1881 to 1884—15,701 Chinese entered the Province, of whom the greater part arrived during the first two years. The increase between 1876 and 1880 had

<sup>13</sup> Sessional Papers, British Columbia, 1880, p. 406.

<sup>14</sup> Journals, 1880, pp. 20, 21.

<sup>15</sup> Journals, 1882, p. 10.

<sup>16</sup> Sessional Papers, British Columbia, 1883, p. 345.



been only 2,326.<sup>17</sup> It is not surprising therefore that the cry against Chinese immigration became each year louder and more loud as the merchants and producers realized that the construction was being performed largely by an alien race that afforded no market to their goods and products. The exclusion of the Chinese thus became a popular plank in every election platform.

In 1884 the Smithe Government, in response to the feelings of a large portion of the community, passed three acts dealing with different phases of the subject: to prevent Chinese from acquiring Crown lands, to regulate the Chinese population, and to prevent further immigration. Two of these went by the board: the last was disallowed as being an interference with the Dominion right of legislation in regard to immigration;<sup>18</sup> and inasmuch as the regulating act imposed a differential tax of \$10 on every Chinaman, it was declared by the Court to be *ultra vires*.<sup>19</sup> Their effect, however, was to awaken the Dominion Government to existing conditions. During the session of the House of Commons in 1884 the British Columbia members introduced a resolution: "That in the opinion of this House it is expedient to enact a law prohibiting the incoming of Chinese to that portion of Canada known as British Columbia." Upon the promise of Sir John A. Macdonald that a commission should be issued to enquire into and report upon the whole subject of Chinese immigration the motion was withdrawn.<sup>20</sup> The Commissioners appointed were the Hon. J. A. Chapleau, Secretary of State for Canada, and the Hon. J. H. Gray, one of the Judges of the Supreme Court of British Columbia. Sittings were held during the summer of 1884 in San Francisco, Victoria, and Portland, Oregon. When the commission reached Victoria it was found that although the agitation had gone on for many years the Government were not prepared with any statistics, nor had they collected any systematic information upon the various phases of the question, or in support of the many strong allegations which from time to time had been made against these people. The commission however did its utmost to gather information, a large number of witnesses were examined orally, and many more by means of a series of

<sup>17</sup> Report on Chinese Immigration, 1885, p. v.

<sup>18</sup> Disallowance Report, p. 1092.

<sup>19</sup> Disallowance Report, 1095.

<sup>20</sup> See Form of Commission, in Report on Chinese Immigration, 1885.

questions which were issued to persons in all stations of life. As a result, the Commissioners found the community divided into three classes on the subject: first, a well-meaning, but strongly prejudiced, minority whom nothing but absolute exclusion of the Chinese would satisfy; second, an intelligent minority who thought no legislation necessary, believing that the law of supply and demand would apply and the matter regulate itself; third, a large majority who believed in moderate restrictions based upon police, financial, and sanitary considerations, sustained and enforced by stringent local regulations for cleanliness and preservation of health.<sup>21</sup> They found that the statements regarding the bad moral effect of the Chinese upon the community were grossly exaggerated; and that they did not burden public charities, nor unduly swell the calendar of crime.<sup>22</sup> They reported against the absolute exclusion of these people, but favoured moderate restriction and sound regulation.<sup>23</sup> The Hon. Mr. Justice Gray suggested that a tax of \$10.00 per head should be levied on all entering the country.

Reference was made to this investigation in the opening Speech in 1885, and the complaint was voiced that it had not been as deliberate and thorough as the subject fairly demanded.<sup>24</sup> The Legislature then passed another resolution regretting the disallowance of the act of 1884 excluding Chinese, and claiming that these Orientals were alien in sentiment and habits, that they never became settlers but only came with the purpose of earning money with which to live in ease in China, that subsisting on the poorest fare and living in the meanest manner their presence tended to degrade white labour and, by their unfair competition, to restrict the immigration of desirable and permanent settlers. The resolution concluded with an earnest prayer that Canada would pass some restrictive legislation ere the province was completely over-run.<sup>25</sup> The Legislature then proceeded to re-enact the disallowed act of the preceding session, whereby, with the view of excluding them, a tax of fifty dollars had been imposed on every Chinese immigrant. The Dominion promptly disallowed this act also.<sup>26</sup>

<sup>21</sup> Report on Chinese Immigration, 1885, p. cii.

<sup>22</sup> *Id.*, cxxxi.

<sup>23</sup> *Id.*, lxxxii.

<sup>24</sup> Journals, 1885, p. 2.

<sup>25</sup> *Id.*, pp. 46, 52.

<sup>26</sup> Disallowance Report, p. 1099.

The completion of the railway in November, 1885, threw thousands of Chinese out of employment. The near approach of winter made the question of their support a serious one. The province tried to cast the burden on the Dominion contending strongly that, but for the interference of the Dominion, they would have been excluded.<sup>27</sup> With starvation staring them in the face, many left the province, but those that remained entered into almost every employment, and thus increased the outcry against them.

At last, in 1885, the Dominion Government yielded to the constant pressure and imposed a tax of fifty dollars on every Chinese entering Canada and limited the number to one immigrant for every fifty tons of the carrying vessel. The province received a quarter, and later a half, of this tax. The clamour against their entry was thus stilled for some years; but, as regarded those already here, the agitation against their employment in public works and in the coal mines continued.

In 1886 a standard anti-Chinese clause was prepared for insertion in all private bills of that session. But the attempt to include these clauses in the private bills of 1887 was unsuccessful. In explanation of this seemingly contradictory attitude it should be mentioned that in the interval the elections of 1886 had occurred.

In spite of the exclusion tax, Chinese continued to enter, and in 1891 the Legislature urged the Dominion to make the exclusion more effective by increasing the tax to \$200 and decreasing the number which a vessel might carry.<sup>28</sup> On this occasion the entry of Japanese was for the first time objected to, and it was suggested that they be made subject to similar restrictions, but the majority of the Legislature were not yet prepared to take this step. The Dominion Government made no move to meet the request. An attempt was made in the following session to pass a resolution to increase the tax to \$500.<sup>29</sup> It failed. The people continued to press for further restriction, and in 1893 a resolution was passed asking that Canada increase the *per capita* tax to \$100, of which three-quarters should be given to the province as the principal sufferer.<sup>30</sup> This was refused

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<sup>27</sup> Sessional Papers, 1886, p. 347.

<sup>28</sup> Journals, 1891, pp. 50, 51, 53, 56.

<sup>29</sup> Sessional Papers, 1892, p. 628; Journals, 1892, p. 86.

<sup>30</sup> Journals, 1893, pp. 77, 91.

upon the ground that it was inexpedient in view of the possible extension of trade with China to take any action which might be regarded as unfriendly. The request was nevertheless renewed in 1894, 1895, and 1897,<sup>31</sup> but on each occasion the Dominion re-iterated the reason given in reply to the resolution of 1893.

The feeling against Orientals is shown by the resolution of 1897, that the Dominion forbid the naturalization of Chinese or Japanese until they had resided in the province for ten years.<sup>32</sup> The latter people had been guilty of frauds upon the existing naturalization laws, and in 1900 the Legislature actually went to the extreme of asking that Mongolians be refused naturalization altogether.<sup>33</sup>

Chinese exclusion formed a yearly topic in the Legislature. In 1899 it was resolved to ask once more for an increased tax without stating the amount, and that three-quarters thereof should be paid to the province. Later in the session it was urged that the tax be placed at \$500.00.<sup>34</sup> As a justification it was pointed out that in the year ending June 30th 2,263 Chinese had entered Canada through the ports of British Columbia, and that the average for the three years previous had been 2,100. These enormous additions, it was urged, threatened to absorb the labour market altogether and pauperize the white labourer.

A strange feature of this immigration of Orientals is that, though there were supposed to be about 18,000 in the province in 1885<sup>35</sup> and a constant yearly increase, reaching to over 2,000 annually during the later nineties, yet in 1900 the Provincial Government officially stated the combined Chinese and Japanese population to be about 15,000.<sup>36</sup> The census of 1901 gave 14,869 Chinese and 4,597 Japanese. What, then, became of these immigrants?

In the meantime, viz., in 1890, the Legislature forbade the employment of Chinese in the underground working of the coal mines. This legislation was declared unworkable owing to the peculiar way in which the amendment had been made. The prohibition was then re-drawn, but in 1899 it was declared unconstitutional by

<sup>31</sup> Journals, 1894, p. 10; 1895, p. 55; 1897, pp. 12, 34.

<sup>32</sup> Journals, 1897, p. 141.

<sup>33</sup> Sessional Papers, 1901, p. 557; Journals, February 9, 1900.

<sup>34</sup> Journals, 1899, pp. 10, 99.

<sup>35</sup> Hon. A. E. B. Davie's Evidence in Report of Chinese Commission, 1885, p. 52.

<sup>36</sup> Sessional Papers, 1901, p. 557.



the Privy Council, as being aimed at a particular class and being legislation against aliens. To overcome the effect of this decision the Legislature in 1903 declared that no Chinaman or other person unable to speak English should occupy any position of trust in a mine whereby through ignorance, carelessness, or negligence, the lives of others might be endangered. This act was also declared *ultra vires*. Subsequently it was enacted that Chinese should not be employed in coal mines unless they held certificates of qualification similar to those required of other workers.

The constant outcry bore fruit in 1900: the Dominion increased the tax from fifty to one hundred dollars. This did not satisfy the province. The Dunsmuir Government at once protested that the only effective mode of restricting Mongolian immigration would be either to raise the tax to \$500 or to pass an act based on the Natal Act. Finally, late in 1900, a commission was appointed by the Dominion to enquire into the whole matter of Oriental immigration. As a result of its labours and its recommendations the tax was in 1902 increased to \$500. This served as an effective barrier against the Chinese until within the last few years. The matter can not be regarded as permanently settled, though at present it excites no attention.

Closely connected with the Chinese question is that of Japanese immigration. After 1893 it was unnoticed by the Legislature until 1897, when that body requested that such stipulations be inserted in the treaty with Japan as would prevent the unrestricted immigration of these Orientals.<sup>37</sup> The people of British Columbia were slow to recognize that the Japanese is a far more dangerous antagonist than the Chinese; that his superior education, his training, and his more plastic nature fit him to compete in a far greater variety of occupations and to mould himself to the conditions of the country, and that unless restrictions are placed upon his entry every class of the community and every avocation in the province will find this enterprising yellow man slowly, but surely, elbowing his way in and taking possession.

Awakening at last to the danger and acting upon the suggestion of the Secretary of State for the Colonies that the proper way of dealing with the Japanese would be the enactment of a Statute along

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<sup>37</sup> Journals, 1897, p. 137.

the lines of the Natal Act,<sup>38</sup> the Legislature, in 1900, passed the Immigration Act requiring all persons wishing to enter the province to be able to read the act in some European language. At the same time various clauses were inserted in other acts which either in express terms prohibited Chinese and Japanese from obtaining certain rights obtainable by other nationalities, or endeavored to effect the same object by an educational test. In the meantime an understanding had been reached with the Emperor of Japan that the emigration of His subjects to Canada would be forbidden for the present. The Japanese Consul at Vancouver complained of this legislation as being plainly aimed at the Japanese and as being therefore hostile to a friendly power.<sup>39</sup> The justification of the province lay in the fact that, although the emigration of Japanese to Canada had been forbidden, the wily little men had evaded it by obtaining permission to emigrate to the Hawaiian islands, from which they made their way without restriction to British Columbia. After the legislation had been in existence for some months and had created a considerable amount of friction it was disallowed by the Dominion.

Re-enacted in 1902, it met a similar fate.<sup>40</sup> In 1904, 1905, 1907, and again in 1908 Acts of a like nature were passed, but in every instance they either did not receive the Lieutenant-Governor's assent (as in 1907) or were disallowed.

During 1907 Japanese were steadily arriving in large numbers. Between January and August of that year four thousand were alleged to have entered the province; two hundred and thirty-three were stated to have arrived in one week; and it was currently reported that thousands were on their way from Honolulu. Public meetings were held and an Asiatic Exclusion League formed on August 12, 1907. It was pointed out that these people had practically ousted the Europeans from the fishing industry, that they were making great inroads upon the labour required in the saw mills, shingle mills, and lumber camps. Labour agitators from the United States fanned the flames of discontent. The feeling against these Orientals grew stronger day by day. On September 8th, after an excited meeting in which extreme and unmeasured language was indulged in, the leaders of the movement organized a parade. Arriving at the City

<sup>38</sup> Journals, 1902, p. 79.

<sup>39</sup> Sessional Papers, 1902, p. 1314.

<sup>40</sup> Sessional Papers, 1903, J. 1.

Hall in Vancouver, an effigy of Lieutenant-Governor Dunsmuir was produced and burned amidst the jeers and execrations of the mob, now excited to the point of irresponsibility. Resolutions, couched in the strongest language, were passed condemning the Lieutenant-Governor for his refusal to assent to the Exclusion Act, 1907, and calling upon the Premier, Mr. McBride, to resign. Some fire-brand made the suggestion that the Oriental quarter should be attacked. At once the mob became riotous. The Chinese section of the city was visited and considerable damage done. The police were powerless. Fired by their success, the rioters poured into the Japanese quarter. But here they met a setback. Though the police stood supinely by, the little yellow men were equal to the occasion. They armed themselves with clubs, knives, bottles, and every weapon of defense, made a firm stand, and drove the rioters back. In all, about fifty-six shops were more or less injured, several persons were hurt, and a few arrests were made. The attack was resumed on the following day; but the rioters found the Japanese fully prepared and armed, and patrolling the streets. They therefore turned their attention to Chinatown; but here they met the police, now re-enforced, and deeming discretion the better part of valor, retired from the field of combat. This ended the trouble and order was soon restored.

A treaty had been made between Great Britain and Japan in 1894, whereby the subjects of each power were entitled to reciprocal privileges of entry, travel, and residence. Supplementary conventions in 1905 and 1906 had expressly extended these rights to the Japanese as regarded the Dominion of Canada; and in the latter year Canada had approved thereof.<sup>41</sup> This accounts for the constant disallowance of acts intended to prevent the influx of Japanese. This appears to be one of the burdens which for Imperial reasons we must bear patiently for the time being, but in the confident hope that a solution will ultimately be found equally compatible with our own and Imperial interests.

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<sup>41</sup> Sessional Papers, 1909, p. G. 36.

## CHAPTER XXXIII

### THE CROW'S NEST PASS AND NICOLA COAL FIELDS—SALMON CANNING INDUSTRY

The existence of coal deposits in East Kootenay has been known since the first Europeans saw the region. Alexander Henry speaks of "several horizontal veins of pure coal, of the best quality I have seen along this river" on the headwaters of the Saskatchewan, not far from the entrance to Howse Pass.<sup>1</sup> This was in 1811; and of course refers to the eastern side of the mountains. But in the fall of 1845 that tireless traveller, Father DeSmet, passed through the Kootenay country. Referring to it in a letter dated September 3, 1845, he says: "Les forêts et les carrières y sont inépuisables; des monceaux de charbon de terre, que j'ai vus le long du rivage, indiquent, que ce précieux minéral n'y manque pas." Then in a prophetic strain, he adds: "Que ne deviendrait pas cette immense solitude aujourd'hui si triste sous l'influence d'une civilisation bien-faisante, dirigée par le christianisme. Le pays des Skalzi (which was the name he gave to Kootenay) n'attend que le travail et l'industrie de l'homme laborieux et industriel."<sup>2</sup>

The promoters of the Crow's Nest Pass Railway, later known as the British Columbia Southern, were aware of this great deposit; and one of the loudest complaints against the Turner Government was that it renewed the right of that company to claim these coal lands as its subsidy knowing their value and without any endeavor to preserve even the smallest portion for the people.

The discovery of the mineral wealth of the lodes of Kootenay directed attention not only to the transportation requirements of that section, but to the necessity of establishing smelters and reduction works to treat the product, unless its miners should be content to

<sup>1</sup> Coues' New Light, p. 679.

<sup>2</sup> Missions de l'Oregon, p. 82.



allow the whole output of their properties to be absorbed in excessive carriage charges. The Crow's Nest Pass coal fields were ideally situated with regard to the Kootenay mines, as the loaded cars would have a short and easy down-grade haul to the point of consumption.

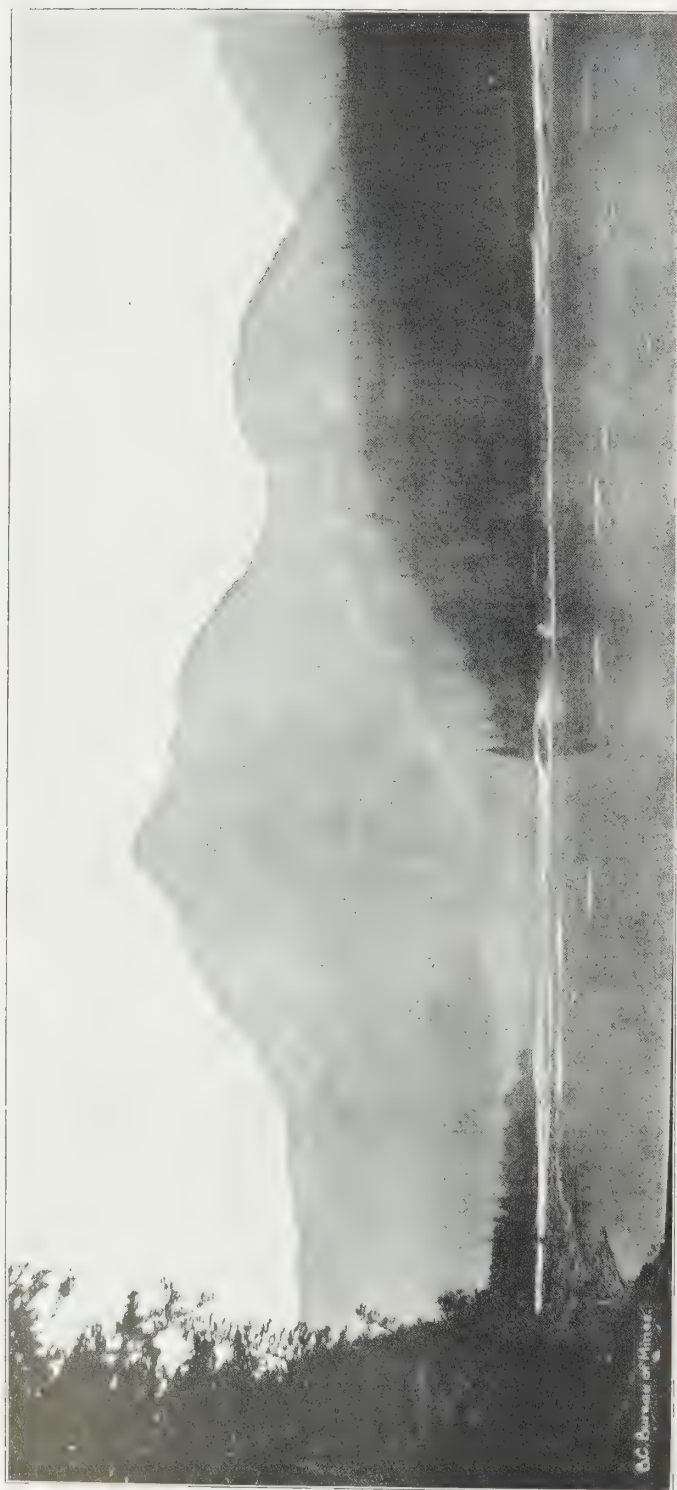
These coal measures were examined by Dr. Selwyn, C. M. G., of the Dominion Geological Survey, in the summer of 1891, in company with Colonel James Baker, one of the persons interested in the charter of the Crow's Nest Pass Railway. He reported the existence of a wonderful series of twenty coal seams, varying from two feet to twenty feet in thickness, aggregating one hundred and thirty-two feet, and declared that between the eastern summit of the Crow's Nest Pass and the valley of the Elk River there was "an area of not less than 144 square miles, that is destined to be one of the most valuable and most productive coal fields in Canada." His rough calculation gave about fifty million tons to the square mile, of which he estimated that one-half would be available. After examining the seams at Marten Creek he proceeded to Elk River. There he found twelve seams varying from two to thirty feet in thickness. These, he says, gave "a total thickness of 148 feet of coal against 132 feet in the Marten Creek area on the eastern side of the basin, while in other respects the seams correspond so closely as to make it almost certain that, except where cut out in the valleys they are continuous throughout the whole intervening area." "Many of the seams," he adds, "are first-class coking coals and others are good gas coals, but none of them are anthracites."<sup>3</sup>

The British Columbia Southern Railway Company received in August, 1899, as part of its land grant, blocks 4,588 and 4,589 in Kootenay district, containing 611,533 acres, situated on each side of the located line of railway from the 49th to the 50th degree of latitude and extending in width twenty miles. This stretch of territory covered practically all the lands *known* to be coal-bearing; and if blocks 4,593 and 4,594, which figured so largely in the Columbia and Western land trouble had been secured also, the railway company would have possessed all the lands even *reputed* to contain coal—a solid block of 1,200,000 acres in the very south-eastern corner of the province.<sup>4</sup> Fortunately the Dominion Government made it a term of

<sup>3</sup> Mining Report, 1896, p. 524.

<sup>4</sup> Journals, 1903, p. dclxxviii and pp. xxxiii to xl.





MT. SELWYN ON PEACE RIVER, LOOKING SOUTHEAST

U.S. Bureau of Mines

their grant of assistance to the British Columbia Southern that they should be entitled to select and obtain for the people fifty thousand acres of these coal lands. This area has since been selected. It is in the neighbourhood of Morrissey.

Coincident with the construction of the Crow's Nest Pass Railway through that pass and along the valleys of the Kootenay, Moyie, and Goat rivers to Kootenay Lake the work of opening these wonderful coal areas was begun by the Crow's Nest Pass Coal Company, of which Colonel James Baker was then president. By the time the railway reached the mines 10,000 tons of coal had been banked out and more than 4,000 feet of heading had been driven. At the end of 1898 the preliminary work had been completed on the Elk River seams, where they outcropped on Coal Creek, and the mines were in a position to turn out 500 tons a day. A branch line of railway, five miles in length, connected the mines with Fernie, where even in 1898 about thirty coke ovens had been built.<sup>5</sup> The growth of the industry is well shown by the following figures: the product of these mines for 1898 was 8,996 tons: for 1899, 116,200: for 1900, 232,245: for 1901, 425,350. In 1902 there were 400 coke ovens in operation at Fernie with a daily output of 700 tons; at Michel 200 ovens were in use, and plans had been prepared for the immediate construction of 200 more at that place, and 100 more at Morrissey.

A great reduction was thus effected in the cost of smelting in the Kootenays. The steady supply of first class fuel at a price much below that which had theretofore prevailed materially lowered the line dividing profit from loss and enabled many of the low grade propositions, especially in the Boundary country, to become profitable producers.

Further examination of the region showed that Dr. Selwyn had made an exceedingly conservative estimate of the latent riches of the region. In 1909, Mr. D. B. Dowling of the Geological Survey made the following statement: "The areas in British Columbia on the Elk River are divided into two portions. The southern one—for which Fernie is the largest shipping point—has a length north and south of about 30 miles, and a maximum width of 12 to 13 miles. The coal-bearing rocks have in several sections been found to have a thickness as great as 4,700 feet. In this area there are 22 workable seams, with

<sup>5</sup> Mining Report, 1898, pp. 997-8; Year Book, 1903, pp. 163, 164, 202.



a total of 216 feet of coal, 100 feet of which is estimated as workable. This would give a total workable coal content for the district of 22,600,000,000 tons. The coal is a high grade bituminous, occasionally running into anthracite. The coal from the majority of the seams is used for the manufacture of coke, but steam coal is a product as well. The collieries are situated at Coal Creek (near Fernie), Michel, Morrissey, and Hosmer. The northern part of this coal field extends from about 24 miles north of Michel creek to the height of land at Kananaskis river, a distance of nearly 40 miles. The width does not exceed seven miles as a maximum, and towards the north diminishes to a vanishing point at the source of the Kananaskis. This area has been computed to be about 140 square miles, and the number of workable coal seams is large. In one place, Aldridge creek, for example, it is estimated at 16 square miles, with a total thickness of 163 feet of coal. If 100 feet be extracted then, on the assumption that the whole area of 140 miles is of equal value, the total coal may be estimated at, say 100,000,000 tons per square mile, or a total of 14,000,000,000 tons."<sup>6</sup>

The vast scale upon which these mines have been worked and their steadily increasing importance is well shown by the subjoined table:

District.	Gross Tons of Coal Mined.			
	1907	1908	1909	1910
East Kootenay.....	876,731	883,205	923,865	1,365,119
Coast District.....	1,342,877	1,226,182	1,476,735	1,774,116. <sup>7</sup>

#### THE NICOLA VALLEY COAL FIELDS

The coal deposits of the Nicola have been known since about 1873 and perhaps much earlier, for, as mentioned, the Brigade trail from Kamloops to Yale and Hope passed along the Coldwater River and by the shores of Nicola Lake, in which vicinity coal outcrops in a number of places.<sup>8</sup> But being so far removed from the centres of population and without facilities for transportation, the deposits were then valueless. Moreover, all eyes were in those days directed

<sup>6</sup> The Coal Fields of Manitoba, Saskatchewan, Alberta and Eastern British Columbia, cited in Year Book, 1911, pp. 188-9.

<sup>7</sup> Mining Report, 1910, p. K. 170.

<sup>8</sup> Sproat, British Columbia, p. 69.





B.C. Bureau of Mines

BUNKERS AND WHARF, PACIFIC COAST COAL MINES, LTD., BOAT HARBOUR

towards the search for the precious metals. Mr. Stephen Tingley and Messrs. Garesche, Green & Company, private bankers of Victoria, were the first to recognize their future importance.

The region was examined in 1877 and again in 1894 by Dr. G. M. Dawson of the Geological Survey. He reported: "The length of the main coal basin of the Nicola-Coldwater area, from the foot of Nicola Lake to the south limit on the Coldwater, in a south west direction, is about 10 miles, and the greatest breadth is about three miles. The western portion from the forks of the Coldwater to the volcanics of Ten-Mile creek or Lower Nicola is about five miles, with an extension north and south along the creeks of about 10 miles. The length of the eastern or Quilchena basin is about seven miles from north to south, and the maximum breadth apparently about two and a half miles."<sup>9</sup>

The completion, in 1906, of the branch of the Canadian Pacific Railway from Spence's Bridge to Nicola, 47 miles, made possible the development of these areas. The Nicola Valley Coal and Coke Company soon became shippers from their mines at Middlesboro. Commencing on a well-known coal exposure, which had for years been a source of local supply, most of their underground work during 1908 was in coal and demonstrated the presence of several large and valuable seams. The main one was found to be eighteen feet thick, of which fifteen feet was of excellent quality for domestic purposes. Three other seams of six, fourteen, and six feet, respectively, were discovered later and are now being worked. Nearly 70,000 tons were shipped in 1910, and but for labour troubles, which seem to be a regular accompaniment of coal mining, the shipments would doubtless have been much greater.<sup>10</sup>

To the southward and across the Coldwater River the Diamond Vale Company began operations in 1908. Ill fortune pursued this undertaking. Two shafts were sunk and abandoned owing to the seepage from the river and other difficulties. An outcrop about two miles further up the valley was opened up by a slope in 1909, and the perseverance of the owners was rewarded by the exposure of a seam of 42 inches of clean coal of good quality, having the bright black lustre typical of the better coals of the district.

<sup>9</sup> Mining Report, 1906, p. J. 1.

<sup>10</sup> Mining Report, 1910, p. K. 142.



Near at hand a Minneapolis syndicate began work in 1910. At a depth of 35 feet a seam which proved to be over 22 feet in thickness was struck. This is the largest yet exposed in the Nicola valley. Analysis of the coal showed it to be of exceptionally fine quality.

#### SALMON CANNING INDUSTRY

No sketch of our history could be called complete without containing some reference to the origin and development, during the early stages at any rate, of the industry of salmon canning.

By its charter the Hudson's Bay Company was granted "the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the seas, bays, inlets, and rivers, within the premises (that is, within the undefined area surrounding Hudson Bay) and the fish taken therein." Though no similar grant was contained in the exclusive license of trade with the Indians west of the Rocky Mountains, which was the only title the company had in this region, yet it claimed and exercised a monopoly of the salmon fishing on the Fraser River.

Reference has already been made to the salmon fishery carried on by the company at San Juan Island. In August, 1829, at Fort Langley, 7,544 salmon were obtained from the natives at a cost of £13 17s 2d in goods. The trade increased; in 1835, and for many years thereafter, 3,000 or 4,000 barrels of salt salmon were exported, principally to the Hawaiian Islands.

With the revocation of the license in 1858, this claim of monopoly fell.

Captain William Spring, in 1863, began salting and curing salmon at Beechy Bay. In the following year Mr. Annandale, with whom Mr. Alexander Ewen was associated, opened a salmon saltery on Fraser River. This venture was almost a complete failure owing to the attempt to use the Scotch trap nets instead of drift nets. The former were found utterly unsuited to the conditions on Fraser River. When this enterprise failed, Mr. Ewen introduced drift nets and carried on an extensive business in salted salmon with the Hawaiian Islands and Australia.

The first attempt, on the Fraser River, to preserve salmon in hermetically sealed cans was made in 1867 by James Symes. This was not a commercial effort, but a mere experimental test to ascertain the possibility. A few cans were prepared, filled, and cooked by boiling on an ordinary kitchen stove. The result was most encour-





MARINE AND FISHERIES, DIGBY ISLAND, PRINCE RUPERT



CANADIAN FISH AND COLD STORAGE COMPANY'S PLANT  
Largest Fish Cold Storage in the World; Capacity, Fourteen Million Pounds

aging. The product was shown at the Agricultural Exhibition held in New Westminster in October, 1867, and was pronounced excellent, the directors making special mention of it.

About the same year Donald McLean established another salmon curing establishment at New Westminster. Besides salted salmon, he put up pickled salmon—salmon boiled and preserved in vinegar—and smoked and kippered salmon.

The canning of salmon as a business was first undertaken, on the Fraser, by Alexander Loggie & Company. The persons interested were Alexander Loggie, Alexander Ewen, James Wise, and David S. Hennessy. Mr. Ewen was an experienced fisherman; Messrs. Loggie and Hennessy had had experience in the canneries of New Brunswick. In June, 1870, these persons built, in connection with a salmon saltery, the first salmon cannery in British Columbia. It was located at Annieville, about three miles below New Westminster. The cannery was a very primitive affair; the cylinders upon which the cans were shaped were of wood, covered with sheet iron; the trays were small wooden contrivances, holding about three dozen one pound cans. There was practically no machinery; the operations were almost entirely by hand. The fish after being put into the cans was preserved by boiling in large wooden vats. Great difficulty was experienced in thoroughly cooking the fish, the boiling point of ordinary water not proving sufficient; to overcome this, salt was added to the water and by this means the temperature was raised to 230°. The room in which the cooking was performed was, in temperature, like a Turkish bath room; no windows or doors were allowed to be opened, except of necessity, under the mistaken idea that the cold currents of air would injure the product.

Captain Stamp, who has been frequently mentioned in the foregoing pages, also entered the business at the same time. His cannery was located at Sapperton, New Westminster. He did not attempt to manufacture his cans, but obtained his supply from Mr. Deas, a tinsmith of Victoria.

About 1873, Loggie & Company removed their cannery to New Westminster, where in the meantime Messrs. Lane, Pike & Nelson had established themselves in the same business. These latter persons conceived the plan of canning the salmon whole; the sockeyes being of an almost uniform size, lent themselves readily to this



attempt. It was, however, a complete failure, as, owing to the great vacuum in the cans, they became much distorted.

Messrs. Findlay, Durham, and Brodie established, in 1873, a cannery on Deas Island, some miles above Ladner.

In 1877 Marshall M. English, later one of the most successful canners, entered the business, building a very modern plant (for those early days) at Brownsville, opposite New Westminster.

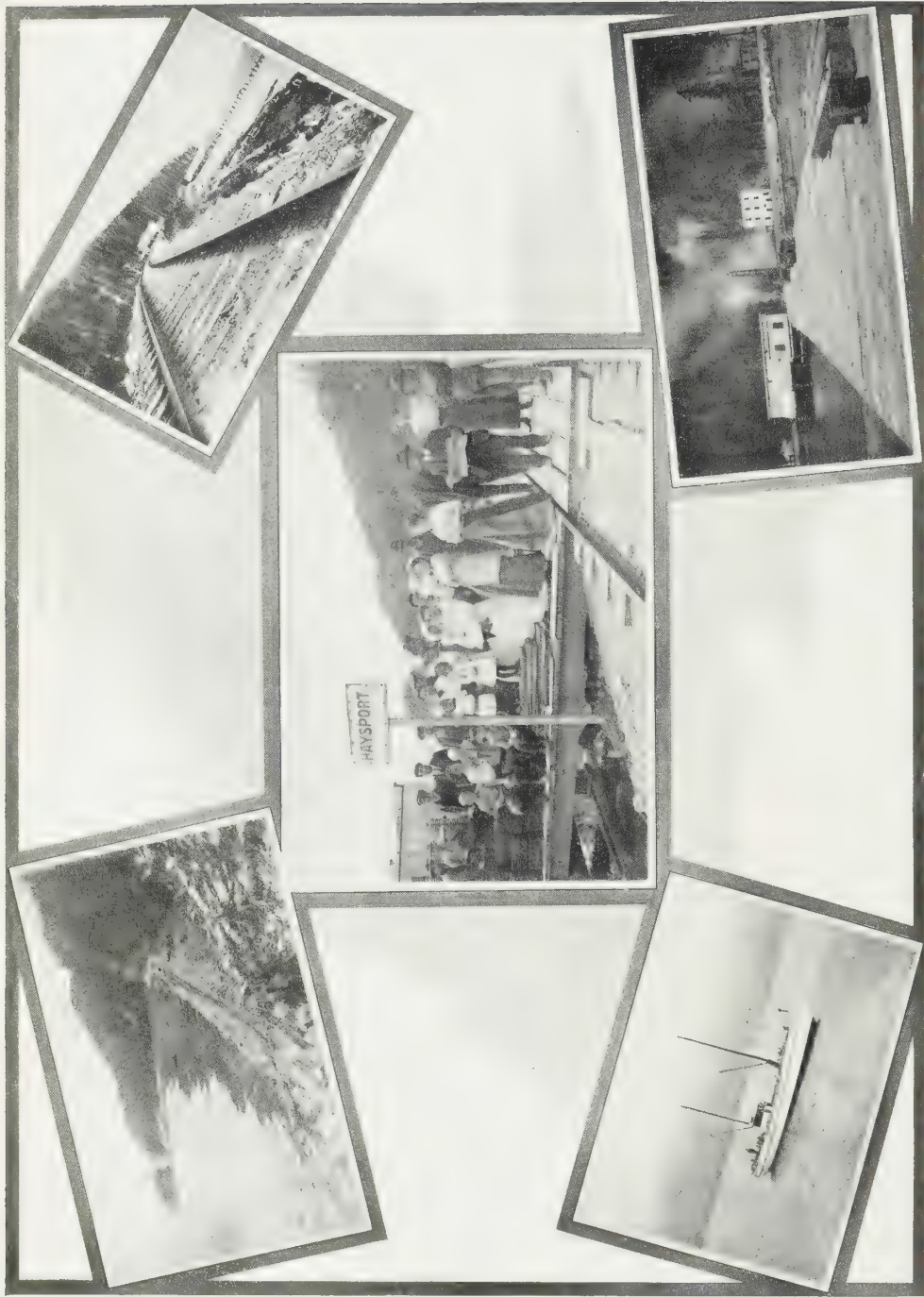
In the autumn of 1878 James A. Laidlaw, who had been connected with the cannery operated by Mr. English, organized the Delta Canning Company, which located its plant at Ladner. Interested with him were Thomas E. Ladner, J. H. Lyon, and F. Page.

About four miles above New Westminster—within the confines of the Port Mann of to-day—Messrs. Haigh Brothers erected, in 1879, the Coquitlam cannery—the Bon Accord, of later years. They were not, at first, successful, and the business was shortly afterwards reorganized as Benjamin Haigh & Sons.

Captain Stamp's cannery soon passed into the hands of the Hon. Henry Holbrook, one of the most prominent merchants and public men of the colony. Later it became the property of Messrs. King & Wright. In 1879 it was destroyed by fire. Mr. Laidlaw, in 1881, purchased the site and rebuilt the cannery. In 1882 he erected, close by, a second cannery. Both of these were operated by him in 1882.

Besides these, the year 1882 saw considerable additions to the canneries on Fraser River. Messrs. Todd & Son built the Richmond cannery on Lulu Island. Messrs. M. M. English and S. B. Martin concluded to extend their operations and they built in that year their second cannery, known as the North Arm Cannery. The British Union Cannery, owned by John Adair & Company, and the British American Cannery, owned originally by Benjamin Young, Andrew Young, Donald R. Lord, and Gust. Holmes, both situate on Canoe Pass, a few miles below Ladner, were erected also in 1882. Thus early the canneries are seen gradually getting closer and closer to the mouth of the river. In all, thirteen canneries were in operation in 1882. The total output for that year was estimated at about 250,000 cases, each containing four dozen one pound cans.





Photos by Massey & Freer, Vancouver, B. C.

Building the roadbed of Grand Trunk Pacific through Haysport, 1909

Schooner "Haysport No. 1," the company's first boat engaged in Halibut fishing

Haysport and its pioneer families, 1912

Main line, Grand Trunk Pacific Ry., through Haysport, as completed, 1912

Haysport wharf, hotel, and cold storage plant; forest fires in background

HAYSPORT, BRITISH COLUMBIA

The growth of the industry from that date is shown by the following figures. The salmon pack including that of the Fraser, Skeena, Nass and the north, for 1889, was 414,400 cases; for 1893, 590,229; for 1896, 598,300; for 1899, 711,600; for 1901, 1,236,156; for 1905, 1,167,460; for 1906, 629,460; for 1907, 547,459; for 1908, 542,689; for 1909, 967,920; for 1910, 762,201; for 1911, 948,965.









HARVEST TIME

## CHAPTER XXXIV

### THE BEGINNINGS OF VARIOUS AGRICULTURAL SECTIONS ON THE MAINLAND

Farming in this Province ante-dates by many years the formation of either the colony of Vancouver Island or that of British Columbia.

Horticulture preceded agriculture. The first garden on the mainland was planted at Fort St. James in 1811 by Daniel Williams Harmon, one of the partners of the North-West Company. His journal contains, under the date of May 22, 1811, the following: "As the frost is now out of the ground, we have planted our potatoes, and sowed barley, turnips, etc., which are the first that we ever sowed, on this west side of the mountain." No record remains regarding the result of this venture, but that silence, coupled with the repeated statements that food is scarce, leaves no doubt that it was a failure. The next reference Harmon makes to this subject is four years later—May 10, 1815: "We have surrounded a piece of ground with palisades, for a garden, in which we have planted a few potatoes, and sowed onion, carrot, beet and parsnip seeds, and a little barley. I have, also, planted a very little Indian corn, without the expectation that it will come to maturity. The nights in this region are too cool, and the summers too short, to admit of its ripening. There is not a month in the whole year, in which water does not congeal; though the air in the day time, in the summer, is warm, and we even have a few days of sultry weather." The journal is silent as to the result of this second attempt; but the entry of October 3, 1816, records: "We have taken our vegetables out of the ground. We have forty-one bushels of potatoes, the produce of one bushel planted last spring. Our turnips, barley, etc., have produced well." In the following year Harmon tells us—October 16: "We have taken our vegetables out of the ground. In consequence of the very dry sum-



mer, they have yielded but poorly. 'There were months, during which not a drop of rain fell.' His last reference to the subject is on September 3, 1818: "A few days since, we cut down and threshed our barley. The five quarts, which I sowed on the first of May, have yielded as many bushels. One acre of ground, producing in the same proportion that this has done, would yield eighty-four bushels. This is sufficient proof that the soil, in many places in this quarter, is favourable to agriculture."

Peter Warren Dease, a Chief Factor of the Hudson's Bay Company, and perhaps more widely known as an Arctic explorer, made memorable the first year of his superintendency of New Caledonia (1830) by making the first rude attempts at agriculture. John McLean says in his "Notes of a Twenty-five Years' Service in the Hudson's Bay Territory:" "To Mr. Dease, however, the praise is due of having introduced this new order of things; he it was who first introduced cattle from Fort Vancouver; it was he who first introduced farming and recommended it to others."

At Fort St. James a few potatoes were raised from year to year, but when McLean was in charge, in 1834, he says that turnips only would grow. Selecting another garden spot, he was delighted to find that it produced a few carrots and cabbages. In 1836, when McLean was removed to Fort George, he prepared about four acres. The seed was obtained from the Columbia River, whence, also, he ordered hand mills to grind the product. But disappointment was his lot. A late spring and early autumn frosts blasted his visions of pancakes and hot rolls. At Alexandria also the farming was a failure, owing to the neglect of the people themselves. They failed to enclose their fields and the cattle destroyed the greater part of the grain crop, but an abundance of vegetables was procured. From 1843 to 1848, between 400 and 500 bushels of wheat were raised annually at this post, and converted into flour by means of a mill, with stones eighteen inches in diameter, wrought by horses. As much as forty bushels to the acre were obtained during this interval. The company maintained in this vicinity a large herd of horses, numbering over 200, while at Kamloops an even greater number, probably 500 or 600, were pastured during the whole year.

Soon after Fort Langley was founded, in 1827, the company began to raise grain and vegetables there. The fertility of Langley





FARMHOUSE, VANCOUVER ISLAND



FARMING AND FRUIT-GROWING DISTRICT NEAR VANCOUVER

Prairie was early discovered by them, and year after year the farming operations were extended, until in conjunction with the salmon trade, they quite eclipsed the fur trade at that post.

So far as can be ascertained the very first application for farming land was made in November, 1858, when W. K. Squires applied for one hundred acres for agricultural purposes on the island opposite Fort Hope. Richard Hicks, who was then the Commissioner of Crown lands at Fort Yale, granted him the right of purchase of the property, exercisable as soon as the Governor should proclaim the law governing the disposal of Crown lands. In the meantime the applicant was to pay an annual rental, which would be applied in reduction of the purchase price.

The first pre-emption act was promulgated by Governor Douglas on January 4, 1860. It provided for the acquisition of unsurveyed Crown lands not exceeding one hundred and sixty acres. Such lots were to be rectangular in form, and the right to purchase at a price not exceeding ten shillings an acre could be obtained by entering into possession and recording an application therefor. A few days later another proclamation was made by which after any surveyed lands had been offered at public auction they could be purchased at the price of ten shillings per acre.

The success of the Hudson's Bay Company's farming operations at Langley directed attention very early towards the agricultural lands in that vicinity. Amongst the earliest settlers were Jason Allard, whose father, Ovid Allard, was in charge at Fort Yale in 1858; James Mackie, James Howison, John Maxwell, Adam Innes, James Clarke, George Freeman, Kenneth Morrison, Henry Wark, Robert Mackie, and John Jolly. The municipality of Langley was incorporated in the same year as that of Chilliwack—1873. The first warden was James Mackie; the first treasurer, William H. Burr, then the school-master of the district.

The Hudson's Bay Company's post at Langley continued to exist, though in decreasing importance, until June 19, 1896, when after nearly seventy years during which wonderful changes had occurred the company retired from this, its first place of business on the lower Fraser. In that period the trading post had been removed three times. The remains of the old fort may still be seen a short distance to the eastward of the present town of Langley, the one remaining



link between the past and the present. The company's farm of 2,000 acres on Langley Prairie had already—in 1878—been subdivided and sold.

The first settler in Maple Ridge was John McIvor, who came to the then unknown West in 1852 to enter the employment of the Hudson's Bay Company. Retiring in 1860, he took up a piece of land there upon which he lived until his death in May, 1913. The early residents of Maple Ridge include Justus W. Howison, Henry Dawson, Thomas Henderson, James W. Sinclair, Adam Irving, Samuel Robertson, Robert Smith, and William Nichols.

The municipality of Maple Ridge was formed in 1874 with Henry Dawson as its first warden and James W. Sinclair, the school-master, as clerk. The first school was opened in this municipality in August, 1875.

With the exception of the Hudson's Bay Company's farm at Langley and the small cultivated patches near its forts and in the vicinity of the Cariboo road, the earliest attempts at systematic farming on the mainland were made in the Chilliwack and Sumas valleys.

In October, 1862, the first settlers arrived at Chilliwack. Soon others followed and by the spring of the following year about sixty persons had pre-empted land along the Harrison and Chilliwack. These two localities were then regarded as one district. A great many of these so-called settlers never actually resided upon the land. Amongst the earliest persons to take up their residence in the fertile Chilliwack valley were Thomas J. Marks, John Barber, Robert Garner, Isaac Kipp, Richard Willoughby, the discoverer of Lowhee Creek in Cariboo, Reuben Nowell, and John Shelford. The land was described as prairie soil of the best quality, of which there existed not less than 40,000 acres, affording excellent opportunities for farming and grazing. Mr. Shelford and some others settled upon the islands, but most of the land seekers chose to go inland a mile or two, near where the city of Chilliwack now stands.

Associated with Mr. Isaac Kipp, though not at first a resident in the valley, was Mr. Jonathan Reece, then engaged in business in Hope and Yale. Messrs. Kipp and Reece went energetically to work and in August, 1864, had a field of oats about 150 acres in extent. It was reported to be an excellent showing, averaging three tons of oat hay to the acre. This was a class of provender much in demand, and





A MILE OF OATS, MATSQUI

until Chilliwack began to produce, it was imported from California. The ruling price was \$100.00 per ton.

In 1864, Mr. John Blanchard and Matthew Sweetman settled in Chilliwack. Considerable additions to the population came in the next year—James Bertrand, Henry Cooper, and William Hall, late of the Royal Engineers. It was at this time that Charles Evans, the manager of Barnard's Express at Yale, became interested in the valley. A. C. Wells soon came to take charge of Mr. Evans' interests. About the same time Henry Kipp arrived and joined his brother, who continued in partnership with Mr. Reece until 1867.

Early in the summer of 1862 came the first settler to the Sumas prairie—Mr. Miller. In January, 1863, he visited Oregon for the purpose of purchasing stock, seed, and farming implements, and returning, commenced work in earnest. In 1862, almost coincident with the arrival of Mr. Miller—came Mr. Volkert Vedder. The former soon disposed of his interests on the prairie to the Chadsey Brothers, and removed to a beautiful spot—known as Miller's Landing—on the banks of the Fraser. The pioneers on Sumas prairie were, besides those above mentioned (who had come in 1862 and 1863) James Codville, William Collinson, L. P. Anderson, and H. Bales in 1864, Thomas Lewis, Thomas York, Messrs. Crawford and Wilson, and J. Burton in 1865.

By the end of 1866, in Chilliwack and Sumas, 4,860 acres of land had been taken up. The largest owners were Kipp and Reece, 840 acres; Chadsey Brothers, 640 acres; Charles Evans, 500 acres; James Codville, 480 acres; and Messrs. Vedder, 200 acres. All the remaining settlers contented themselves with 160 acres each. There were then 653 acres under cultivation. The produce for 1866 was 818 tons of hay, 12,770 bushels of grain, 5,200 bushels of potatoes, and 2,800 bushels of turnips, besides tomatoes, melons, and corn in abundance. Prime beef and choice butter and cheese were also being produced. There were 744 head of cattle in these districts.

In July, 1868, the Chadsey Brothers—James and William—sent an ox team to Williams Creek loaded with 2,500 pounds of Sumas butter put up in two, five, and ten pound cans, hermetically sealed. The experiment proved a success, and further shipments were made by them. In the following September Mr. T. L. Briggs, a prominent merchant of Barkerville, was offering for sale 6,000 pounds of Sumas butter at the low price of \$1.00 a pound.



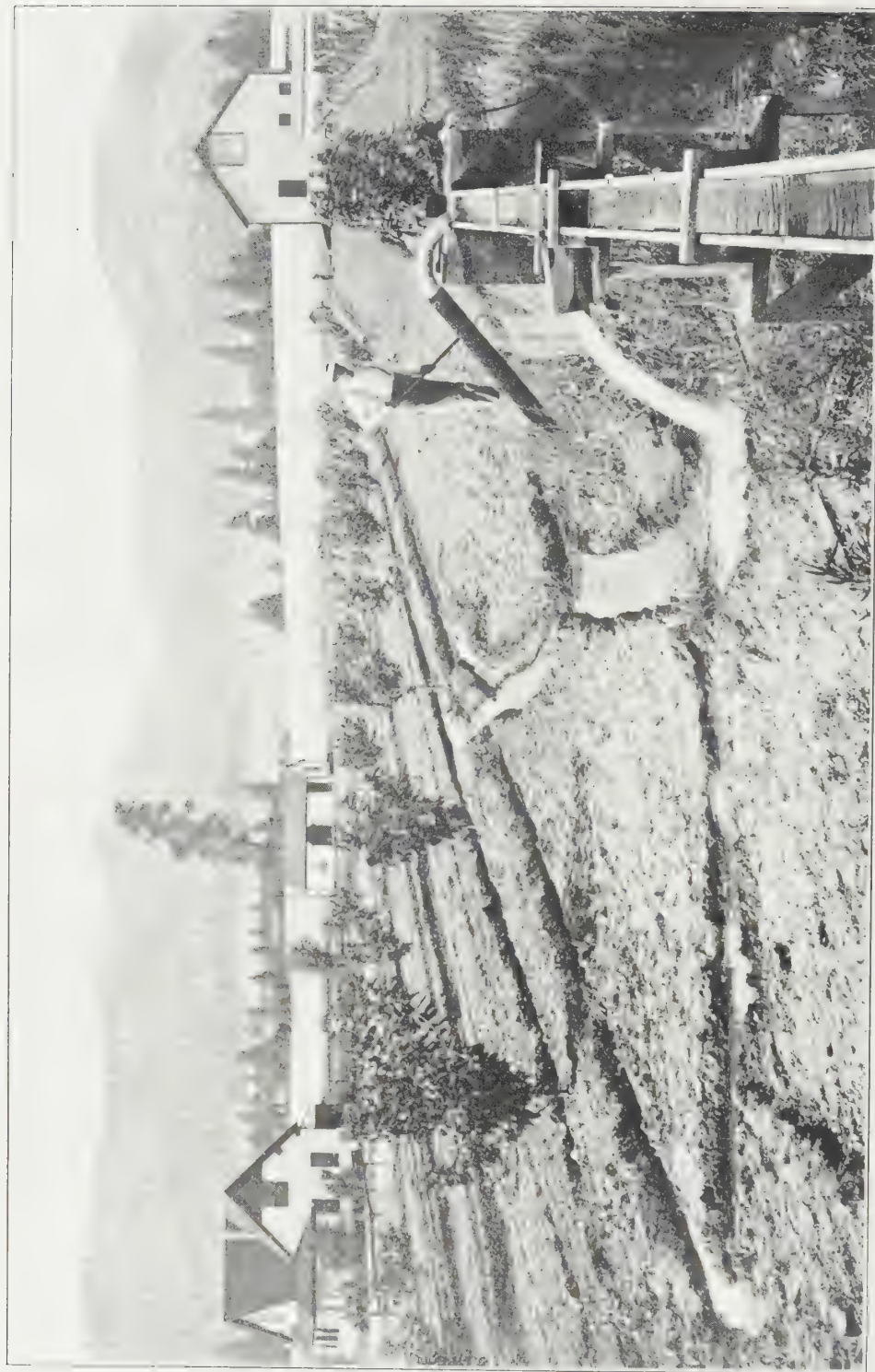
In 1866 a telegraph office of the Western Union was opened in Chilliwack and placed in charge of Herman Thompson. John McCutcheon, who had been connected with the Overland Telegraph scheme, became in 1868 the operator at this place. The pioneer store of the valley was opened by George R. Ashwell in 1871. The Chadsey Brothers built, in 1873, the first grist mill on Sumas prairie. After about four years they removed the plant to Chilliwack. The first Anglican church in the valley—St. Thomas—was merely the old St. Mark's church of Douglas, which being no longer required there, owing to the decadence of that place, was removed to Chilliwack.

Other early settlers in Chilliwack and Sumas were John Roberts, John Sicker, Henry Kipp, Thomas Shannon, William Shannon, Samuel Greer, Adam S. Vedder, Albert Vedder, C. W. Grafton, Charles Richards, Donald McGillivray, and Matthew Hall. On Matsqui prairie the first, and for a great many years the only, settler was John McClure, late of the Royal Engineers.

The great draw-back to the development, not only of Chilliwack, but of Sumas and Matsqui also, was the liability of the land to overflow during the annual freshets of the Fraser. In 1876 the greater part of the former and all of the two latter areas were submerged. The necessity of ending this condition impressed itself upon Mr. E. L. Derby, and in 1878 an Act was passed whereby he undertook to dyke Chilliwack, Sumas, and Matsqui prairies in consideration of a grant of 6,000 acres for the Matsqui dyke, and 45,000 acres for dyking the remainder, and certain stipulated payments from the land owners. The works were to be completed by the 1st of July, 1880.

Mr. Derby began the reclamation of Matsqui, but his dyke was not of sufficient height and strength to withstand the freshet of 1880. Mr. Colin B. Sword then took over the dyking of Matsqui, leaving to Mr. Derby the remainder of the undertaking. An extension of time for completion was obtained; and in September, 1881, it was announced that the Matsqui prairie had been successfully redeemed from overflow. The 6,000 acres were thereupon granted to Mr. Sword. But in June, 1882, occurred an unprecedented flood, and the newly completed works upon which so much had been expended and whose success meant so much to the development of the country were





AN IRRIGATED ORCHARD IN BRITISH COLUMBIA

broken down, and the freshets again wandered at will o'er the meadows.

Thus matters remained for many years. Neither the Chilliwack nor the Sumas dyke was ever commenced. New settlers were being steadily added to the population during the early eighties, until at last all other good land being taken they "squatted" upon the 45,000 acres reserved for the dyking scheme. To this they could not obtain title; yet every one knew that the dyking scheme was ended. This unfortunate state of affairs retarded the development of the neighbourhood for a long time. Repeated petitions finally brought results, and in 1888 all rights of Mr. Derby were cancelled, and by agreement between the Dominion and Provincial Governments (for in the interval the line of the Canadian Pacific Railway had been located, and these lands being within twenty miles thereof passed to the Dominion, under the terms of union) the settlers obtained clear titles to their lands.

In 1892, the Sumas Reclamation Company in which C. A. Holland, H. S. Mason, and the Lumsden Brothers were the moving spirits, brought forward a scheme for protecting these lands. Work was commenced and prosecuted for a considerable period, but was ultimately abandoned without reclaiming any of the land.

The high water of 1894 brought the question to the front once more, and though dyking works were undertaken by commissioners in various sections, including Matsqui, Chilliwack remained without a dyke until April, 1898, when a contract was made with A. A. Cruickshank to build the first portion, about two miles, of the Chilliwack dyke, from Hope Slough westerly, closing Hope, Half-Moon, Camp, and Greyell sloughs. In September, 1899, the contract for the completion of the dyke was awarded to McLean Brothers. The dyke was completed in 1903 at a cost of over \$200,000.00.

With the protection from overflow, Chilliwack needed only improved transportation facilities to attain her proper place amongst the farming communities of the Province. The British Columbia Electric Railway Company, with its customary activity, soon commenced the construction of a line of railway, some sixty-three miles in length, from New Westminster to Chilliwack. This is said to be the longest electric line in America. This road was completed and equipped in three years at a cost of \$3,500,000. The last spike was



driven, with appropriate ceremonies at Chilliwack, on October 3, 1910, by the Hon. Richard McBride.

The municipality of Chilliwack was incorporated in 1873. The first reeve, or warden as he was then called, was John McCutcheon. The first councillors were David W. Miller, Adam S. Vedder, Henry Kipp, John A. Blanchard, Charles W. Grafton, and William Shannon. George R. Ashwell was the first municipal clerk.

#### THE OKANAGAN DISTRICT AND KAMLOOPS

The first foothold of civilization in this district was the Roman Catholic Mission on Okanagan Lake, near Kelowna. During the Fraser River excitement many entered the colony by the trails then existing from the Columbia River, which led through the Okanagan valley. The dormant possibilities of the vast region between the Thompson River and the boundary line impressed themselves upon these Argonauts even though they passed them by for the more alluring gold regions. On every side lay great stretches of unoccupied hills and benches, where bunch grass—the most nutritious of vegetation—grew in great profusion giving visions of a future when uncounted thousands of cattle, waving acres of wheat fields, and trim well-kept orchards would cover the face of the land.

The first settler in all this vast area was Joseph Christien, who had heard from the missionaries glowing accounts of its suitability for cattle raising and general farming. He settled in Mission valley in 1861. Eli Lequime and his wife—the first white woman to make a home in Okanagan—followed hard upon Mr. Christien. They selected a location in the vicinity, upon land which is now a part of the town of Kelowna. Encouraged by the success of these pioneers a large number of persons, principally French Canadians, settled in the Mission valley and near Lumby. Access to these parts gave importance to Kelowna, through which all import and export was carried on by way of Okanagan Lake. Thus the place rose in importance, until in 1912, it had a population of about 2,500.

In 1862 came Louis Brent, who built the first flour mill in Okanagan. A very primitive affair it was, but nevertheless the forerunner of the fine modern plants at Enderby and Armstrong. The former





KAMLOOPS, SHOWING GRADE OF CANADIAN PACIFIC RAILWAY



EARLY VIEW OF NANAIMO, SHOWING OLD BLOCK-HOUSE

was established in 1887, and by enlargements from time to time has now a capacity of 100,000 barrels annually. The latter was built in 1895.

In 1864 Forbes G. Vernon and his brother, Charles Vernon, whose names are indissolubly connected with the development of Okanagan, began mining on Cherry Creek, but soon, recognizing the inherent value of the land and its possibilities, took up about 1,000 acres—the celebrated Coldstream ranch—and entered largely into farming and stock raising. About the same time Mr. F. J. Barnard and his associates in Barnard's Express obtained the BX ranch, some four miles from Vernon for the purpose of raising horses for their express business. In 1868, Mr. Stephen Tingley, the practical man of the company, went to New Mexico, and brought up overland about 400 head of horses to stock the ranch. From this source chiefly was drawn the supply of horses used on the Cariboo road until 1897, when Mr. Tingley, who had in the meantime become the sole owner of the business, disposed of it to the British Columbia Express Company.

The pioneer settler on the Spallumcheen was A. L. Fortune. He had been one of the overland party in 1862, and after a few years' experience determined to devote himself to farming. He pitched his tent near the present town of Enderby, in June, 1866. In a year or two he became the first exporter of farm produce from the Okanagan, sending out by row-boat or canoe, hams, bacon, and other farm products to Kamloops. About 1869 Frederick Bennett settled near by, and soon others followed, attracted by the knowledge obtained by Mr. Fortune's efforts, that the Spallumcheen valley would produce fall wheat of the finest quality without irrigation. In 1878 William Fortune built the *Lady Dufferin*, which made regular trips from the Spallumcheen to Kamloops and thus afforded the settlers ready access to market. One by one farmers settled in the neighborhood, until in 1880 more than fifty persons had taken up land. As an instance of the discomforts of pioneering it may be mentioned that for many years after Mr. Fortune settled on the Spallumcheen, the nearest postoffice and store was at O'Keefe's at the head of Okanagan Lake, about forty miles away.

About the same time that A. L. Fortune settled on the Spallumcheen, Charles O'Keefe, Thomas Greenhow, and Thomas Wood



settled in the vicinity of Okanagan Lake, the two former near its head, the latter in Mission valley. These persons brought in a large herd of cattle from Oregon and began cattle farming on a large scale. For a long period the nearest postoffice was at Ducks, fifty miles distant.

All roads, it is said, led to Rome; and it might, with more than a modicum of truth, be similarly said that all roads in Okanagan led to and through Priest valley. The first person to recognize that in the development of the district the natural advantages of Priest valley would tend to make it the commercial centre, was Mr. W. R. Megaw. In 1885 he established at that point the first general store in Okanagan. The usual cross road village came slowly into being. This is the city of Vernon in its baby days. In 1890 the land in the vicinity was laid out as a town-site. The purchase of the Coldstream ranch and the Guisachan estate near Okanagan Mission (Kelowna) in 1891 by Lord Aberdeen and the completion of the Shuswap & Okanagan Railway in 1892 brought the district into prominence and at the same time afforded easy access thereto. Population increased rapidly. The city of Vernon was incorporated in 1893. The first mayor was W. F. Cameron; the first aldermanic board was composed of James Lyons, A. G. Fuller, James Schubert, S. C. Smith, and W. J. Armstrong; the first city clerk, R. J. Davies.

The first newspaper of Okanagan was the *Vernon News*, which was launched in 1891 by A. K. Stuart and W. J. Harber.

Along the line of the road which connected Spallumcheen with Priest valley was a village called Lansdowne. When it became known that the line of the Shuswap & Okanagan Railway would be located some three miles to the southward of the little place, the inhabitants headed by Robert Wood, Daniel Rabbitt, and E. C. Cargill determined to move *en masse* to a new site on the railway line. Hence in 1891 the whole village—buildings, goods and chattels, and people—was removed to the site of the present town of Armstrong, which derived its name from the financier who purchased the bonds of the Shuswap & Okanagan Railway. It soon became the business centre of Spallumcheen. In 1912 it had a population of about 1,200.

Enderby owes its name to a unique circumstance. About 1885 at a gathering at the home of George R. Lawes, one of the pioneers of

the locality, Jean Ingelow's beautiful poem, "The High Tide on the Coast of Lincolnshire, 1571," was being read and admired. The mellifluous rhythm of the lines caught the fancy of the audience—"Play uppe the Brides of Enderby." A suggestion that this attractive and euphonious name should be applied to the place met with instant approval. In March, 1905, Enderby took its place amongst the incorporated cities of the province with George Bell as its first chief magistrate.

The country lying south of Okanagan Lake, being in the vicinity of Rock Creek and traversed by the Dewdney trail was early run over by the miners, but they were soon attracted to Cariboo, and it lapsed into its original condition. About 1864 a Custom House was established at Osoyoos in charge of J. C. Haynes, who was the first Government Agent and Justice of the Peace. The name most prominently associated with this locality is that of Thomas Ellis. After a few years spent in wandering over the colony he settled at Penticton in 1866. Acquiring a comparatively small piece of land in the neighbourhood of Skaha Lake, he brought in a band of 127 cattle from Oregon and began raising them for the Cariboo market. With increasing means he added to his holdings until they reached the enormous quantity of 31,000 acres, and extended from Okanagan Lake to the boundary line. His stock he also increased until he might truly be said to have cattle on a thousand hills, and he became recognized as one of the cattle kings of the interior. The sphere of his activities also expanded: in 1874 he planted the first orchard in Okanagan. Other early settlers were Frank K. Richter, R. L. Cawston, and A. H. Ware. The latter settled at Penticton in 1883 and opened the first store. At that time all goods for the district came in by the difficult and expensive route by way of Hope.

The first steamer on Okanagan Lake was the *Penticton*, a small vessel, twenty-three feet long, which used coal oil for fuel. Built in 1890 by Mr. Ellis, this diminutive craft was operated by Captain Short, carrying freight and passengers between Penticton and Okanagan Mission. In 1892, Mr. Ellis determined to lay out the town-site of Penticton. It grew but slowly. A year after its inception it only had two houses and a hotel. With the increased facilities for access given by the completion of the Shuswap & Okanagan Railway and the construction of a larger and more modern steamer, the *Okanagan*,

came new settlers. The discovery of mineral in the boundary country brought Penticton into considerable importance. Almost all the freight for that camp passed through Penticton. At one time eighty-one teams were engaged in that work. In 1905 L. W. Shatford, who had been for many years connected with the growth of southern Okanagan, became interested in Penticton. The town had then a population of about five hundred. A newspaper, the *Penticton Press*, later the *Penticton Herald*, made its appearance in July, 1906. The town was incorporated in 1909. The first reeve was most suitably selected: A. H. Wade, the oldest resident.

#### PEACHLAND AND SUMMERLAND

In the development of Okanagan, the region lying west of the lake was the last to receive attention. It was, in great part, a land of bull pines and sage brush, given over to grazing and regarded as fit for naught else. And so it remained until 1897 when J. M. Robinson, casually visiting it, saw the vision of its future. He it was who gave practical demonstration of its fruit growing capabilities, brought water upon the arid benches, and caused the desert to blossom as the rose. Peachland and Summerland owe their existence to his energy and perseverance.

The former, occupying in part the ranch of C. A. R. Lambly, came into being in 1897, being settled largely by immigrants from Manitoba. Its first reeve was W. A. Lang. Owing to the limited area of available land the population of Peachland increased very slowly. Its inhabitants at present number about 400.

The municipality of Summerland was formed in December, 1906. As was fitting, the first reeve was J. M. Robinson; the first councillors, R. H. Agur, J. R. Brown, James Ritchie, and C. J. Thompson; the first municipal clerk, J. L. Logie. Of the 13,000 acres included within the corporate boundaries about 6,000 are under irrigation, of which one half is already in orchards. So completely is the welfare of the community bound up in the arrangements for irrigation, that the municipality determined, in 1910, to purchase the water systems of the Summerland Development Company and of the Garnett Valley Land Company. The benefits of municipal ownership combined with continuity of policy and aided







A TYPICAL YOUNG ORCHARD

by one man's optimism are shown by the steady growth of the orchard industry in and around Summerland. The present population is about 2,000.

At Summerland is located Okanagan College, founded by the Baptists of British Columbia in 1906 for the higher education of young men and women. It is affiliated with McMaster University and covers the work of the first two years of the Arts course.

#### KAMLOOPS

The first house in Kamloops, outside of the fort buildings, was erected by William Fortune, in or about 1864. This pioneer, it will be remembered, was one of the overland party of 1862.

The Big Bend excitement in 1865 and 1866 gave a temporary importance to Kamloops as one of the stopping and starting points on the route. As the district tributary to Kamloops became recognized as the great cattle raising section of the colony the future prospects of the spot induced Messrs. J. A. Mara and John Wilson to open a store there in 1867. The land east of the village (which then lay around the fort) was pre-empted, in the following year, by John Peterson. This is the site of the new city of Kamloops. Francis Walker settled in the vicinity in 1869.

At the outset Kamloops was quite out of the reach of civilization, which then was faced towards Cariboo. Barnard's Express, carrying the mail in those days, only operated as far as Savona's at the western end of Kamloops Lake; but about 1870 the mail system was extended to Kamloops, and later to Okanagan Mission, now Kelowna.

John A. Mara, John Wilson, James McIntosh, and John Ussher built, in 1875, a combined lumber and flour mill on the flat which lay to the eastward of the town. The year 1878 was marked by two events—Kamloops was given telegraphic communication—and Father Grandier, the first resident clergyman, took up his abode in the town—which by reason of the selection of the Fraser Valley route, the near approach of actual railway construction, and the increasing importance of farming and cattle raising in the surrounding district began to assert its position as the inland capital of the Province. In 1880 Kamloops had three stores, two hotels, two blacksmith shops, and a school.

The railway slowly made its way eastward; in the winter of 1884 the roadbed was completed, but the parallel lines of steel, which meant so much to the growth and development of the interior, did not reach Kamloops until July, 1885. Just ahead of the railroad came that other great representative of modern civilization, the printing press; the *Inland Sentinel* commenced publication in Kamloops on July 31, 1884, and, under various proprietors, has continued to the present day.

With the advent of the railway and its selection as a divisional point, Kamloops grew rapidly. The city was incorporated in 1893. Its name is said to be derived from the Indian word, Kamalulipa, meaning, "a place cut through, and water meeting." The city, whose population is now (1913) about 5,000, owns the water-works and electric light service.

#### THE DELTA OF THE FRASER

One of the earliest settlers on the delta of the Fraser was Hugh McRoberts. He will be remembered as the person who in association with Mr. Powers built the mule trail from Spuzzum to Boston Bar in 1860. Pre-empting a piece of land a few miles below New Westminster he, about 1864, dyked it to prevent overflow and began farming in a small way. In 1865 from two acres he secured one hundred and twenty bushels of fine wheat. This is believed to be the first wheat raised on the rich alluvial soil of the Fraser River delta.

In the autumn of 1864 Samuel Brighthouse, who was one of the three original owners of Lot 185 upon which a large part of the city of Vancouver now stands, purchased six hundred and ninety-seven acres on Lulu Island, in what is now its most thickly-settled section. He was the first to enter into farming there on a large scale. His work was the earliest systematic attempt on the dyked lands and showed to the people the possibilities of the Fraser valley.

Encouraged by these successes numerous other persons, amongst whom was William D. Ferris, took up land on Lulu Island. Mr. Ferris began farming there in 1866.

Messrs. Boyd and Kilgour were the next to undertake farming on the island on a comparatively large scale. Rosebrook Farm, as their property was named, became the best known farm on the lower







DAIRY FARM, VANCOUVER ISLAND



DAIRY FARM, VANCOUVER ISLAND

mainland. The returns they obtained were eloquent as to the productiveness of the soil. For eleven years, without the use of any artificial fertilizers, they took from a field of thirteen acres an average yield of three tons and a half of timothy hay to the acre.

As yet the delta on the south side of the Fraser River was untouched. The pioneer in this section was William Henry Ladner. After the disastrous collapse of the Big Bend he, like many others, determined to give his attention to farming. The fertile soil of the delta had attracted his attention when in May, 1858, he had first entered Fraser River, and he then stated his determination to settle in that locality when he had made the fortune which every miner dreams of making but which few of them obtain in that pursuit. In 1868 he pre-empted and purchased six hundred and forty acres, upon part of which the town of Ladner (named after him) now stands. Almost immediately after him came his brother, Thomas Ellis Ladner, who had theretofore been engaged in packing to Cariboo. He pre-empted and purchased an enormous quantity of land—some twelve hundred acres in all—the largest farm upon the delta.

Settlers began to arrive in the vicinity. Amongst the earliest were William Booth, John McKee, John Kirkland, Charles F. Green, James Arthur, Edward S. Browne, George Byrom, William Kent, T. Parmiter, A. R. Green, William Tasker, G. B. Main and J. R. Sutherby.

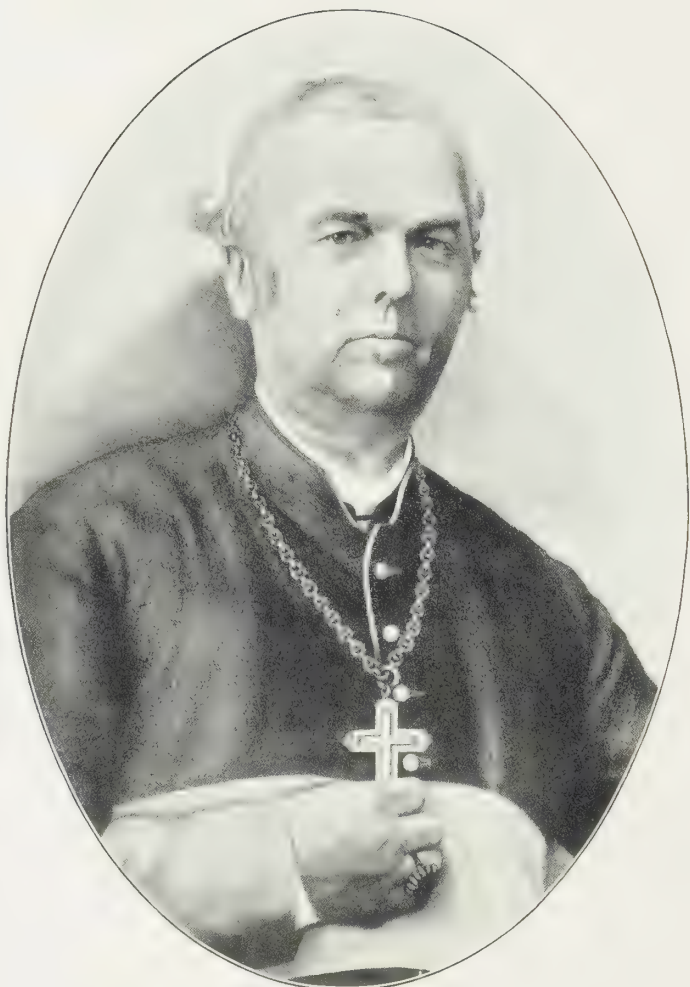
On Lulu Island, besides those named, the early settlers included George Garripe, Henry Mole, Fitzgerald McCleary, Samuel McCleary, W. H. Rowling, W. J. Scratchley, J. G. Smith, Christopher Wood, and Robert Wood.

The municipality of Richmond (which included Lulu Island) was incorporated in 1879. Hugh Boyd was the first warden, and Samuel Miller, the first municipal clerk. The municipality of Delta was incorporated on November 10, 1879. William H. Ladner was the first warden, and William McKee, the first municipal clerk.









THE RIGHT REVEREND BISHOP DEMERS

## CHAPTER XXXV

### MISSIONS AND MISSIONARIES

In this chapter it is not intended to enter into the growth of the various denominations down to the present day. Such an undertaking would occupy more space than can be spared in a general history. It is merely proposed to sketch in outline the movements of the early representatives of each of the principal denominations. To that extent it appears to form strictly a part of our history; beyond that it is local and denominational.

With the first Spaniards came the priest. In 1774 accompanying Juan Perez were two Franciscans—Fathers Crespi and Peña, who were specially charged with the duty of keeping a record of the voyage. Though they were the earliest missionaries to see our coast and though they held services within sight of our shores, yet they never were actually upon any portion of this Province.<sup>1</sup>

When Don Estevan José Martinez sailed for Nootka on that momentous voyage which resulted so disastrously for Spain in 1789, he took with him two chaplains, Father Don José Lopez di Nava and Don José Maria Diaz, and four Franciscan friars, Brothers Severo Patero (President), Lorenzo Lacies, José Espi, and Francisco Sanchez. The first Christian service ever held in any portion of British Columbia was the Mass celebrated by these persons at Nootka Sound on Wednesday, June 24, 1789.<sup>2</sup>

From 1790 until 1795, Spain maintained a small garrison at Nootka. Though there are two plans, dated 1791 and 1792 respectively, on which are shown the locations of the various buildings of that short-lived colony, neither shows any church; and yet such must have existed. We can scarcely conceive of Spain's forming any sort of settlement and omitting to provide for the spiritual welfare of its inhabitants.<sup>3</sup> We know that a Franciscan friar, Magin Catala, was

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<sup>1</sup> Publication Historical Society of Southern California, Vol. 2, Pt. 1, p. 131.

<sup>2</sup> Spanish Act of Possession, August 27, 1789.

<sup>3</sup> Atlas to Viage Hecho por Las Goletas.

chaplain for over a year, from about 1792 to 1794; and that he was succeeded by a Father Gomez, who likely remained until the place was abandoned by Spain in March, 1795.

From 1795 till 1838 no priest set foot within the four corners of the province. In the latter year Fathers Demers and Blanchet of the Oblates were sent out from St. Boniface to bear the cross into these far western wilds. The settlement on the Columbia was their objective point. Travelling with the express of the Hudson's Bay Company they reached the Big Bend on October 14th, and there they celebrated the first Mass ever offered on the mainland of British Columbia. On this trip occurred the lamentable accident from which the *Dalles des Morts* obtained their name. Two-thirds of the party had descended the river in safety to the House of the Lakes, a post of the company situate near the influx of the Columbia into the Upper Arrow Lake, and a boat had been sent back to bring the remainder from the Boat Encampment. The two missionaries remained at the House of the Lakes carrying on their spiritual ministrations. All went well with the boat until on the return the *Dalles des Morts* were reached. In attempting to run them, it was swamped and of the twenty-six persons only fourteen were saved. Amongst the lost were Mr. Wallis and Mr. Peter Banks—two botanists—Mrs. Wallis, and a Miss Chalifoux. The calamity occurred about dusk. The broken barge drifting down the river brought to the people of the House the first news of the accident. Great consternation prevailed. An express was sent to Fort Colville for a boat and provisions. In the meantime the broken craft was repaired and sent back to bring the survivors and the bodies. All that were found were the bodies of three children. During their stay at this point the priests performed seventeen baptisms, one marriage, and three funerals.<sup>4</sup>

Until the summer of 1841 they were fully engrossed with the work on the lower Columbia and the vicinity; but in that August Father Demers, whom the Rev. Father Morice calls the apostle of British Columbia, made a visit to Fort Langley, where James M. Yale was in command. He gave his instruction with the aid of Father Blanchet's Catholic Ladder—a chart ten feet by two and a half feet. This was a rude symbolic Bible. "It consists of a long

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<sup>4</sup> Historical Sketches of Catholic Church in Oregon, pp. 15, 16.

slip of paper, on which the principal events narrated in Scripture, from the creation of the world to the founding of the Christian Church are illustrated. The progressive development of the Church of Rome from that time up to the present is also portrayed. The advantage of the arrangement is that a large amount of general religious information is contained in remarkably small compass. The Hebrew version reads from right to left, but this 'Self-interpreting Bible' reads from the bottom upwards. At the foot of the page the globe appears emerging out of chaos, and immediately above stand a male and female figure with a tree between them, representing our first parents partaking of the forbidden fruit. The other details of this invention may be readily guessed at, till we reach the Protestant Reformation, up to which point the line of instruction is intelligible and straight. Thence another line diverges at right angles from the main one, leading off the page into the abyss. This is marked *chemin de Protestantisme*. Then the straight path of the Church continues to *Pio Nono*, and onward still to heaven."<sup>5</sup>

Wonderful were the reports he gave of his successes with the Indians. On the trip referred to he was absent forty-four days and states that he made 765 baptisms, of which some 350 appear to have been made in the vicinity of Fort Langley.<sup>6</sup>

In the following summer he accompanied the spring brigade to Fort Kamloops. Thence he departed for Fort Alexandria, which he reached on August 23rd. After a short stay he resumed his journey and arrived at Fort St. James on Stuart Lake, September 16th. Only three days he sojourned there; then he retraced his steps to Fort Alexandria. Within six weeks the Indians had built a chapel, the first place of worship on the mainland, and on December 4th religious service was held therein. At Williams Lake he spent sixteen days amongst the Shuswaps. There too a small church was erected. The window panes were of parchment and in the severe winter of 1842-3 the dogs devoured them to the great discomfort of the shivering flock, gathered for worship. On February 21st he set out in company with Chief Factor Ogden on horseback in three or four feet of snow, from Fort Alexandria, and to the surprise of all made his appearance at Fort Vancouver on April 13, 1843.<sup>7</sup>

<sup>5</sup> Macfie, *Vancouver Island and British Columbia*, p. 475.

<sup>6</sup> *Historical Sketches of Catholic Church in Oregon*, p. 47.

<sup>7</sup> *Id.*, pp. 51-2.



When the party under James Douglas left Nisqually in March, 1843, to found a fort on the southern end of Vancouver Island, which was to be the *entrepôt* of the Western Division and which has become the capital of the Province, they were accompanied by the Rev. Jean Baptiste Bolduc, a secular priest who had arrived in Oregon Territory about two years before.<sup>8</sup> He celebrated Mass on the 19th March in an improvised rustic chapel, a boat's awning for a canopy and fir branches for walls. His congregation—Songhees, Clallams, and Cowichans—is said to have numbered 1,200; and he is reported to have baptised one hundred and two children. The successes of the early Catholic missionaries as given by themselves are so sudden and so great that a certain degree of suspicion of their reality is naturally engendered.

The most renowned of all the pioneer Catholic missionaries was Pierre Joseph DeSmet—Father DeSmet. He was a member of the Society of Jesus. Until his return from Belgium in August, 1844, his activities were confined to the Nez Percés and Flatheads in the territory south of the 49th parallel. Accompanying him from Europe was Father John Nobili, who after spending about a year in the vicinity of the Willamette set out in June, 1845, with a brother novice to visit New Caledonia. All along his route the Indians hurried to him with their children for baptism. He found a church at Kamloops and another at Alexandria, the result of Father Demers' visit in 1842-3. Fort George was reached on September 12th, and Fort St. James two weeks later. At the former he found fifty Indians from the Rocky Mountains, who for nineteen days had been patiently awaiting his arrival with the word of life and the waters of baptism. In the eleven days he spent amongst them, Father Nobili informs us that he succeeded in abolishing the customs of burning the dead and of inflicting torments upon the surviving spouse and obtained a solemn renunciation of all their juggling idolatries—"Ils renoncèrent," says he, "solennellement à toutes les jongleries idolatriques." As Father Morice well remarks: "Because the good father encountered no active resistance to his designs, he went away with the consoling impression that he had abolished all he had spoken against."

He visited the Chilcotins in October, 1845, and remained twelve

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<sup>8</sup> Historical Sketches of Catholic Church in Oregon, p. 50.

days in their midst. Those were busy days. His time was fully occupied as he relates converting, marrying, baptising, blessing, burying, and abolishing polygamy everywhere. One of his converts having died he consecrated the cemetery and interred the body "*avec toutes les ceremonies du rituel*." Returning to the Shuswaps the same wonderful success attended his efforts. He informs us that there were four wooden churches amongst them, built by the Indians themselves. He reached Fort Colville in June, 1846, and sent therefrom a lengthy report from which the above epitome is drawn.<sup>9</sup>

It is impossible in a sketch of this nature to devote sufficient space to do even remote justice to the untiring energy, the boundless enthusiasm of Father DeSmet, and we must limit ourselves to a brief reference to his missionary voyage through a portion of this Province in 1845-6.

A few days after the departure of Father Nobili, Father DeSmet quitted the Willamette country for the Kootenay region and the sources of the Columbia. At Fort Colville he found some 800 or 900 Indians congregated for the salmon fishing at Kettle Falls; so numerous were the fish and so skilful the spearmen that 2,000 salmon were often obtained in a single day. Being in the regular line of travel and well acquainted with the "black robes" in general, these Indians gave him a cordial reception. He records the baptism of eleven adults and more than a hundred children. Making his way into the Kootenay district, the fringe of which he had visited in 1841, he met on the banks of Clark's Fork, Chief Factor Peter S. Ogden, who with Lieutenants Warre and Vavasour, was then (August, 1845) bound for the mouth of the Columbia. He found the Indians engaged in celebrating the arrival of the salmon. Amongst these people M. Edouard Berland had resided for many years as trader of the Hudson's Bay Company. He is the author of the strange hieroglyphic epistle to Sir George Simpson, reproduced by the latter in his volume.<sup>10</sup> Being of a religious disposition this man had in his spare time taught the natives the elements of the Catholic belief. In such well prepared ground the progress was rapid. The Mass was celebrated, the cross planted, and many baptisms performed.

Father DeSmet then made his way to Tobacco Plains, which he

<sup>9</sup> *Missions de l'Oregon*, pp. 150, 151, 152.

<sup>10</sup> Simpson's *Journey Round the World*, Vol. 1, p. 125.

Vol. II—39

calls "la prairie de Tabac," the ordinary residence of the Kootenay Indians. He was surprised when they showed him their newspaper—their journal—that is a square stick upon which they had kept record of the time which had elapsed since he had been in their neighbourhood. It showed forty-one months and some days. The effect of M. Berland's work was seen here. Amongst other things the worthy father records that they were able to sing some songs in French and Indian, that they said the morning and evening prayers, and observed the Sabbath strictly. No doubt a certain amount of this was due to his visit some four years before.

At Columbia Lake Father DeSmet met one Morigeau, a French Canadian, who for twenty years had eked out a precarious livelihood by hunting and trapping in that vicinity. When the latter learned that a priest was to pass that way he seized the opportunity to induce him to deviate from his course and visit his lodge to baptise his Indian wife and his seven half-caste children.

Leaving the Columbia Lake Father DeSmet crossed the Rocky Mountains by way of the Vermillion Pass and visited in succession Forts des Montagnes, Auguste or Edmonton, Assiniboine, and Jasper House. Amongst these and the bands of Indians tributary to them, he passed the winter of 1845-6 and in the spring accompanied the brigade across the Rocky Mountains by the Athabasca Pass, and down the Portage or Wood River to the Boat Encampment, which was reached on May 10th. A few days before arriving at that spot he met Chief Factor Francis Ermatinger in charge of the eastbound brigade. Amongst the persons in the party were Messrs. Warre and Vavasour on their way home. By May 29th, Father DeSmet had reached Fort Colville. Wherever he went he records the same marvellous results which characterize the reports of the time.<sup>11</sup>

From 1849 to 1852, the spiritual wants of the Catholics of Vancouver Island were supplied by Father H. Lemfrit, of Olympia, who spent a considerable time in the vicinity of Victoria.<sup>12</sup>

The noble self-sacrificing work of Father Demers was recognized when on November 30, 1847, he was consecrated Bishop of Vancouver Island. His diocese included New Caledonia and Alaska, or Russian America. Almost five years elapsed before the

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<sup>11</sup> Missions de l'Oregon, Letters 1 to 15.

<sup>12</sup> Begg's History of British Columbia, p. 478.



new Bishop entered into his episcopate. His arrival was without pomp or ceremony. He came in an Indian canoe from Puget Sound, accompanied by Father Louis Lootens, afterwards Bishop of Idaho.

The development of the mainland soon made a separation necessary; in 1863 it, with Queen Charlotte and other islands, was constituted a vicariate-apostolic with Father Louis Joseph D'Herbomez as first pastor. This was the origin of the diocese of New Westminster, which later became the Archdiocese of Vancouver. Bishop D'Herbomez was consecrated at Victoria on October 9, 1864, and on the following Sunday he was installed at St. Charles Church, New Westminster.<sup>13</sup>

Bishop Demers' health gradually failed; he died on 28th July, 1871. The Rev. Charles Seghers was selected to succeed him. During Bishop Demers' last illness, the life of the Rev. Mr. Seghers had also been despaired of, but, rallying, the latter recovered so completely that he undertook the strenuous task of visiting every portion of his diocese, which included Alaska. On his return, accompanied by the Rev. A. J. Brabant, the Bishop visited the west coast of Vancouver Island. Father Brabant was so enraptured with the mission field which there lay before him that he became the resident priest in that section, with headquarters at Hesquiat. Over twenty years he laboured there, exerting an influence for good, which extended wider with each succeeding year.<sup>14</sup> In 1879 Bishop Seghers became co-adjutor to Archbishop Blanchet of Oregon, and on the death of the latter he was placed at the head of the archiepiscopal See of Oregon. His work upon Vancouver Island then fell into the hands of Rev. Jean Baptiste Brondel, who was consecrated on December 14, 1879. Six years later Bishop Brondel was transferred to the vicariate-apostolic of Montana. This vacancy gave Bishop Seghers the opportunity he so much desired, of resuming the control of the work on Vancouver Island. In order to organize the most remote portions of his charge, Bishop Seghers, in 1886, set out for the Yukon country. One of the Bishop's party was an American named Francis Fuller. In the course of their long and lonesome journey this man's mind became unhinged, or at any rate strongly embittered against the Bishop. The climax came in

<sup>13</sup> *British Columbian*, October 19, 1864.

<sup>14</sup> *Vancouver Island and Its Missions*, p. 3 et seq.



November, when near Nulato, a post on the Yukon, he murdered the Bishop—"one of the most cowardly, purposeless crimes ever committed." Warburton Pike gives the following succinct account of the tragedy: "A mild rebuke had been administered by the Archbishop overnight for negligence in some small matter and that, according to the Indian who was travelling with them at the time, was the only reason to account for the murder. Early in the morning the servant, a white man, got up and lit the fire, shouted 'Breakfast ready,' and shot his master as he raised himself up in his blanket."<sup>15</sup> Two years later the Bishop's remains were brought to Victoria and interred in the crypt of the cathedral.

In June, 1888, the Rev. John Nicholas Lemmens, who had arrived on Vancouver Island in 1875 and ten years later had established a mission at Clayoquot, was selected for the vacant See. Cincinnatus was labouring in the fields when the messengers came to him, and when the Rev. A. J. Brabant came to Clayoquot to accompany the Bishop-elect to Victoria for his consecration, he found him in his shirt sleeves with an axe in his hand splitting firewood.

For nine years Bishop Lemmens was at the head of the See of Vancouver Island. On his death, which occurred in Guatemala, the Rev. Alexander Christie succeeded him; but after a year's residence in office he was transferred to Oregon. His place was taken by Bishop Orth in June, 1900. Three years later the diocese of Vancouver Island became the Archdiocese of Victoria. Bishop Orth, now Archbishop Orth, resigned in April, 1908. The Yukon region was cut off and the Archdiocese transferred to Vancouver—Victoria reverting to a simple bishopric. The Rev. Alexander McDonald was appointed in October, 1908, the first Archbishop of Vancouver. He was succeeded by the Rev. Timothy Casey, the present incumbent.

In the diocese of New Westminster, Bishop D'Herbomez, owing to ill-health, applied for a co-adjutor and in October, 1875, Father P. P. Durieu was consecrated to that office. Thus relieved from the strain of the superintendence of a large diocese, Bishop D'Herbomez was able to retain the nominal position of authority until his death in 1890. For over fifteen years the whole weight of the work had been borne by Bishop Durieu. He had not spared himself in the least; and the fruits of his unremitting efforts could be seen all along

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<sup>15</sup> Through the Sub-Arctic Forest, p. 241.

the coast of his diocese in trim Indian villages with their orderly and Christian inhabitants. But now he was bending under the weight of years and of a load which, with the growth of the province, was increasing day by day. The Rev. Augustin Dontenwill was on August 22, 1897, consecrated his co-adjutor, and titular Bishop of Germanopolis. Two years later the venerable Bishop Durieu sank into his grave, leaving a record of a busy, well-spent, and noble life. His co-adjutor became his successor.<sup>16</sup>

A few words must suffice in reference to the details of the growth and expansion of Roman Catholicism in British Columbia. And this for two reasons, to give even the merest outline of the activities of its priests would far exceed the space at our command, and also, the whole subject has been gone into very fully by the Rev. A. G. Morice, to whose learned work, from which much of this chapter has been extracted, enquirers are referred.

The early Catholic missionaries, as has been shown, had their home on the Columbia, from which they made periodical visits to the native tribes of this Province. When Bishop Demers was consecrated in 1847, he had neither priest nor church in his diocese,—if we except the poor temporary structures built by the Indians at Kamloops, Williams Lake, and Alexandria in 1842-3. The first church consecrated was St. Charles, at Esquimalt. This was on June 8, 1849. On the mainland the first permanent spot occupied was Okanagan Mission, now Kelowna. This was established in 1857.

With the increase of population, consequent upon the gold discoveries, the work of the Catholic Church kept pace. The very first year of that development saw St. Andrew's Cathedral in Victoria and St. Ann's Church in Cowichan spring into being.

The year 1861 marked an important epoch on the mainland; two churches—St. Peter's and St. Charles's—for the whites and the natives, respectively, were built at New Westminster.<sup>17</sup> They were both consecrated by Bishop Demers on July 14, 1861. St. Mary's Mission, which soon became the centre of missionary work on the lower Fraser, was established at a point thirty-five miles above New Westminster. A chapel was built at Hope. The mission at Okanagan—known as the Immaculate Conception—was increased

<sup>16</sup> Morice, *History of Catholic Church*, Vol. 2, pp. 388, 395, 396.

<sup>17</sup> *British Columbian*, July 18, 1861.

and extended, so as to serve as a centre for the work of the interior.<sup>18</sup> In that year Father Grandidier, the missionary at Hope, made a trip to the Cariboo mines. The Indians, especially those of Alexandria, who had seen no "black robe" since the departure of Father Nobili, fifteen years before, welcomed him with open arms and were loud in their manifestations of regret at his inability to remain.<sup>19</sup>

The following year—1862—was the memorable one of the small-pox scourge. The Catholic priests, especially Fathers Fouquet, Durieu, Chirouse, and Pandosy were untiring in their efforts to stamp out the plague. Wherever they went they carried the lancet and the vaccine points as well as the missal.

In 1864, St. Louis's Church in Victoria and St. Peter's in Nanaimo were dedicated. In 1865 the Rev. Edward Horris, a young Irish priest, arrived and took up the work in New Westminster. Two years later, St. Joseph's Mission at Williams Lake was established to provide a religious centre for the northern region.

In 1882 there existed in the diocese of Vancouver Island, besides the churches already mentioned, the following: The Church of the Assumption at Saanich, dedicated 1869; the Church of the Sacred Heart at Hesquiat, dedicated 1875; the Church of the Purification at Comox, dedicated in 1878; the Church of St. Leo at Namukamus, dedicated in 1879; the Church of St. John the Baptist at Kyoquot, dedicated in 1880; and the Church of the Holy Rosary, at Penalgut, dedicated in 1881.

In the same year there existed in the diocese of British Columbia, besides those already mentioned, the following churches: Stuart Lake Mission, at Fort St. James, Stuart Lake, established in 1873; St. Eugene Mission, Kootenay, established 1874; and St. Louis's Mission at Kamloops, established in 1877.

Neither of these enumerations includes the convents, schools, and colleges which existed in connection with the various missions, and also at Victoria, Nanaimo, Cowichan, and New Westminster. St. Joseph's Hospital in Victoria was established in 1876.

In 1882 the Catholic clergy on Vancouver Island numbered but 12; on the mainland, but 20; in 1893, in the diocese of New Westminster, as the mainland was called, there were fifty priests, clerics, and lay brothers.

<sup>18</sup> Morice, *History of Catholic Church*, Chap. xxxix.

<sup>19</sup> Morice, *History of Catholic Church*, p. 317.

In July, 1899, Archbishop Langevin of St. Boniface laid the corner stone of the Church of the Holy Rosary in Vancouver. This beautiful church—Cathedral, as it now is—was the third which the Catholics had erected in that city. The first was scarcely erected when it was destroyed in the fire which destroyed the nascent city on June 13, 1886; but the Rev. Mr. Fay, the first priest in Vancouver city, went at once to work in the rebuilding, and soon a larger and better building, though of quite modest dimensions, was completed and opened for public worship in October, 1886. This sufficed until 1899, when the demand for a building in keeping with the importance of the premier parish of our premier city resulted in the erection of the magnificent Cathedral of the Holy Rosary.

In June, 1901, at St. Mary's Mission (Mission City) a presentation of the Passion Play was given by the Indians under the guidance of the Rev. Father Chirouse. Only once before—in 1892—had a similar ceremony been held. Such a rare event seems to merit preservation, and the following brief summary is therefore appended.

Gathered to the spot for this great and solemn duty were Indians from Shuswap, Fort Douglas, Lillooet, Thompson River, Sechelt, Sliammon, Squamish, Cowichan, and other spots even as far south as Lummi Island, to the number of 2,000. The Right Reverend Bishop Dontenwill, a man much beloved by the natives, graced the event with his presence. Months had been spent by Father Chirouse in preparing the actors for their various parts.

While lacking, as was to be expected, the finished professional polish of the actors at Oberammergau in the Bavarian Alps, and without the accompaniment of dialogue, yet just because these adventitious aids were missing, the presentation was an impressive reality giving to the onlookers the feeling that the work of the simple actors was for the love of the Master alone. The production was grand in its simplicity and wonderful in its spectacular effects.

The tableaux were presented as the fitting termination of a week of religious exercises, during which a pilgrimage had been made to the grave of the beloved Bishop Durieu. An immense procession, headed by the thirteen actors of the Sechelt tribe and the children of St. Mary's Mission school, marched from the church to the grounds where the necessary background had been already prepared. The first scene represented Our Lord in the garden of Gethsemane with



the three sleeping apostles. Judas was then depicted entering the garden accompanied by the multitude. The betrayal of Jesus followed. Then the trial scene before Pilate was reproduced, the background filled with soldiery. The crowning of Christ with thorns was shown in the next tableau; and as the soldiers pressed upon His brow the emblem of disdain the blood flowed freely. Then came the choice between Jesus and Barabbas. Here the solemn stillness was broken by repeated cries of "Crucify Him! Crucify Him!" The Saviour bending and falling beneath the weight of His cross, His meeting with His mother, and St. Veronica wiping the blood from His face formed the subjects of the next tableau. **The sorrow of the women, and the partition of the Saviour's garments** led to the final scene—the Crucifixion. The procession with bared and bent heads passed before the representation of Calvary, and then re-formed around the spot for devotional exercises. During that period the principal actors remained so rigid that not a movement could be detected. It was a touching and solemn scene. In the foreground hundreds upon hundreds of kneeling Indians engaged in their devotions; in the background Christ upon the cross, Mary Magdalene at His feet, Mary, His mother, at His side, and the soldiers surrounding; and above a calm and cloudless June sky; and in the far distance the towering white peaks of Cheam, like fingers pointing the path to Heaven. And throughout the whole representation ran a solemnity that made all realize that what was being enacted was not a show or a play, but a religious celebration the earnestness and reality of which was felt by actors and onlookers alike.

At the very threshold of our colonial existence we were threatened with the possibility of having a State Church. The arrangement made by the Hudson's Bay Company with the Rev. Edward Cridge in September, 1854, for his services as clergyman for Vancouver Island for a term of five years stipulated that he should be provided with a parsonage and glebe of one hundred acres, of which thirty acres should be cleared and put in a cultivable state, and that three-fourths of his stipend should be chargeable to, and payable out of, the colonial funds then being administered by the company under the terms of the grant of the island. When the question of the renewal of this agreement was before the House of Assembly of Vancouver Island in September, 1859, that body wisely deemed it too large and

serious to be considered until the sentiments of the people should be ascertained.

In an Imperial Parliamentary return dated July 30, 1858, it was shown that Governor Douglas had made a Clergy Reserve of two thousand, one hundred and eighteen acres in Victoria district. He had also stated in a despatch dated December 14, 1858, that he proposed to build a small church and parsonage, a court house, and a jail, immediately, at Langley, and to defray the expense out of the proceeds arising from the sale of town lands there.

The Rev. W. F. Clarke, the Congregational Church missionary at Victoria, brought the question of an embryo State Church very strongly before the public in a letter to the *Colonist* in which he recited the above facts. Public sentiment was soon shown to be unequivocally opposed to the union of Church and State, and, in deference thereto, the Governor cancelled the large proposed reserve. When Bishop Hills arrived in January, 1860, recognizing the prevailing feeling, he agreed that the grant of one hundred acres, which had been promised in the arrangement with Mr. Cridge, should be reduced to thirty acres in the city of Victoria and transferred to trustees for the Church. He also issued a license to the Rev. Mr. Cridge to preach in the district of Victoria, and thus severed the last and least semblance of union between the Church and the colony.

Reference has already been made to Rev. R. J. Staines and Rev. Edward Cridge who were the earliest representatives of the Church of England.

Before the Fraser River excitement of 1858 had directed the eyes of the world to this western land a permanent missionary in communion with that Church had been established on the mainland of British Columbia. This was the first Anglican mission station. William Duncan and his model village of Metlakahtla are known wherever interest in the civilization of the Indian or in the work of the Church Missionary Society exists. The honour of originating the mission belongs to Captain James C. Prevost. While in charge of H. M. S. *Virago* on this coast—December, 1852, to January, 1854—<sup>20</sup> being a very religious man he had been impressed with the spiritual destitution of our Indians and with the necessity of preventing the moral degradation which resulted from their contact

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<sup>20</sup> Walbran's *British Columbia Place Names*, pp. 514-15.

with civilization. While he was in England, in 1856, Captain Prevost tried to interest the Church Missionary Society in the project of Christianizing these people. As one of the means to that end he prepared a memorandum calling attention to the North West Coast where existed 60,000 aborigines in a state of heathen darkness. He bitterly reminded the British nation that they had used these natives in carrying on a lucrative trade, but had neglected them in every other way. He suggested the location of the first mission at Fort Simpson and the opening of a school in conjunction therewith where the Indian children might receive industrial as well as religious and secular education and be secluded from the contamination of their adult relatives. A little later an anonymous communication from two friends contributing £ 500 towards the movement was acknowledged. Two or three months afterwards Captain Prevost, who had just been appointed British Northwestern Boundary Commissioner, notified the society that he would sail in H. M. S. *Satellite* in December, 1856, and that he had the sanction of the Admiralty to offer a free passage upon her to a missionary to these Indians. Ten days before the *Satellite* was to sail the committee selected William Duncan, then in training as a school-master, to plant the standard of Christianity amongst the Tsimpsians.<sup>21</sup>

The *Satellite* reached Esquimalt June 13, 1857. Fort Simpson was five hundred miles away. Whilst awaiting a passage thither Mr. Duncan began the study of the language, a work of great difficulty for a European owing to the many strange sounds it contains. He reached Fort Simpson on the night of October 1, 1857. A day or two later he gives a clear description of the state of those to whom he was to minister:

"The other day we were called upon to witness a terrible scene. An old chief, in cold blood, ordered a slave to be dragged to the beach, murdered, and thrown into the water. His orders were quickly obeyed. The victim was a poor woman. Two or three reasons are assigned for this foul act; one is, that it is to take away the disgrace attached to his daughter, who has been suffering some time from a ball wound in the arm. Another report is, that he does not expect his daughter to recover, so he has killed his slave in order that she may prepare for the coming of his daughter into the unseen world.

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<sup>21</sup> Mayne, *British Columbia and Vancouver Island*, p. 307.

I think the former reason is the most probable. I did not see the murder, but, immediately after, I saw crowds of people running out of those houses near to where the corpse was thrown, and forming themselves into groups at a good distance away. This, I learnt, was from fear of what was to follow. Presently two bands of furious wretches appeared, each headed by a man in a state of nudity. They gave vent to the most unearthly sounds, and the two naked men made themselves look as unearthly as possible, proceeding in a creeping kind of stoop, and stepping like two proud horses, at the same time shooting forward each arm alternately, which they held out at full length for a little time in the most defiant manner. Besides this the continual jerking of their heads back, causing their long black hair to twist about, added much to their savage appearance. For some time they pretended to be seeking the body, and the instant they came where it lay they commenced screaming and rushing round it like so many angry wolves. Finally, they seized it, dragged it out of the water, and laid it on the beach, where I was told the naked men would commence tearing it to pieces with their teeth. The two bands of men immediately surrounded them, and so hid their horrid work. In a few minutes the crowd broke again in two, when each of the naked cannibals appeared with half of the body in his hands. Separating a few yards they commenced, amid horrid yells, their still more horrid feast. The sight was too horrible to behold.”<sup>22</sup>

Without detracting in the least from the realism of this disgusting picture, a careful discrimination between facts and inferences may well leave open the question whether it proves the existence of cannibalism, otherwise than as a ceremonial affair, connected in some way with their secret organizations.

To change these savage natures, to end the barbarous and degrading customs, to civilize, and then to Christianize these heathen was a stupendous task calling for self-sacrifice and whole-hearted devotion to duty and, above all, for a firm reliance upon God. With the aid of an Indian—Clah—and an English dictionary Mr. Duncan slowly and painfully amassed a treasure—a vocabulary of 1,500 words. He appreciated that, as the late George M. Dawson expressed it, “The problem is fundamentally an industrial one, and is to be attacked,

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<sup>22</sup> Metlakahla, p. 19; Mayne, British Columbia and Vancouver Island, p. 285.



if successfully, from that side. Improvement in mental and moral tone will naturally follow.”<sup>23</sup>

After a trial venture in the fort, Mr. Duncan opened his real school on June 28, 1858, with twenty-six scholars in the house of the head chief Legaic. The principal opposition came from the medicine men who soon saw that the interest in the old rites and mysteries of heathenism was diminishing perceptibly as Mr. Duncan made headway. In December they succeeded in detaching Legaic from his support and induced him to attempt the missionary's life; but in the height of the paroxysms into which he had worked himself for the purpose of committing the deed, Legaic, seeing Clah, the first and faithful friend, standing guard with a revolver, concluded that the moment was inauspicious and resolved to defer the crime to a more convenient season.<sup>24</sup>

At the request of the Right Reverend George Hills, first Bishop of Columbia, who had arrived in January, 1860, Mr. Duncan, on his return from a missionary visit to the Nass River undertook, during that summer, some mission work amongst the natives who had gathered near Victoria. But his heart was in the north where the contamination from contact was a less potent factor. On the arrival of the Rev. L. S. Tugwell and his wife as co-labourers with Mr. Duncan, the latter in August accompanied them to the scene of their future labours for the purpose of introducing them to the work. It had been his intention to return to Victoria to finish his season's work there, but learning that the Rev. A. Garrett and Mr. E. Mallandaine had volunteered to take it in hand he remained at Fort Simpson. The damp climate however broke down the health of the Rev. Mr. Tugwell, and he and his wife were compelled to abandon the field and return to England in the fall of 1861.

Stimulated by the good results which crowned his efforts even at the fort, Mr. Duncan, in the summer of 1862, began the practical work of establishing a colony sequestered from the pernicious influences, and freed from the thralldom, of heathen customs. Seventeen miles from Fort Simpson the Indians selected a spot—Metlakahltla—their former home, which they had abandoned twenty years before. Mr. Duncan allowed no Indian to join the new community unless he accepted its rules. These were:

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<sup>23</sup> Popular Science Monthly, July, 1888, p. 352.

<sup>24</sup> Metlakahltla, p. 28.

"To give up their 'Ahlied,' or Indian devilry; to cease calling in conjurors when sick; to cease gambling; to cease giving away their property for display; to cease painting their faces; to cease drinking intoxicating liquors; to rest on the Sabbath; to attend religious instruction; to send their children to school; to be clean; to be industrious; to be peaceful; to be liberal and honest in trade; to build neat houses; and to pay the village tax." <sup>25</sup>

At last all was ready. The day so anxiously expected had dawned. On May 27, 1862, Mr. Duncan set out from Fort Simpson for Metlakahtla in six canoes containing fifty faithful ones—the modern Pilgrim Fathers—with their *lares* and *penates*, or such of them as were consistent with the new religion. It was the birthday of a new and model community. Describing the removal Mr. Duncan says: "The Indians came out of their lodges and sat around in a semi-circle, watching the proceedings. They knew something was going to happen, but they did not know what. . . . First there came two or three, trembling, and said they were willing to go anywhere. Others were encouraged; and on that day fifty stood forth, and gathered such things as they needed, put them into their canoes, and away they went. On that day every tie was broken; children were separated from their parents, husbands from wives, brothers from sisters; houses, land, and all things were left—such was the power at work in their minds. . . . The party with me seemed filled with a solemn joy as we pushed off, feeling that their long-looked-for flit had actually commenced. I felt we were beginning an eventful page in the history of this poor people, and earnestly sighed to God for his help and blessing. The next day, 28th May, we arrived at our new home. The Indians I had sent on before, with the raft, I found hard at work clearing ground and sawing plank. They had carried all the raft up from the beach excepting a few heavy beams; erected two temporary houses and had planted four bushels of potatoes for me. Every night we assembled, a happy family, for singing and prayer. I gave an address on each occasion from some portion of scriptural truth suggested to me by the events of the day. On the 6th of June a fleet of about thirty canoes arrived from Fort Simpson. They formed nearly the whole of one tribe—called Keetlahn—with two of their chiefs. We now numbered

<sup>25</sup> Metlakahtla, pp. 36-37.

between three hundred and four hundred souls, and our evening meetings became truly delightful.”<sup>26</sup>

The village was laid out regularly. To each head of a family a good-sized lot was given. The houses, usually two-storied, were more comfortable and convenient than those of Indians in general; they had both floors and ceilings, two most unusual accompaniments. The principal building in the settlement was the church. It was of Gothic architecture, modelled after the old English cathedral, with its steeple and buttresses. It was capable of seating one thousand persons and was built by the Indian mechanics of the village.<sup>27</sup>

When Bishop Hills visited Metlakahtla in April, 1863, he found the people educated as farmers, blacksmiths, carpenters, merchants, etc. There was a school house large enough to accommodate seven hundred pupils. There were also shops and a storehouse, and later a saw mill, and a salmon cannery all owned and managed by the Indians, while all around the bay were well cultivated gardens and potato patches. The main street of the village, along the beach, was lighted with street lamps. All were required to attend church and send their children to school. The settlement had by that time reached a thousand in population. “Five hundred and seventy-nine adults had been baptized at this mission; 410 infant baptisms; 243 deaths among the Christian portion of the people; 137 Christian marriages, independent of those who were found married according to their tribal customs. A large number of ‘catechumens’ were under instruction as candidates for church membership.” On this occasion fifty-nine adults and some children were baptised.<sup>28</sup>

The village soon had a brass band of twenty-four instruments, a public reading room, a public guest house for the lodging of strange Indians. The village tax was one blanket or \$2.50 on all persons over twenty-one years of age, and “one shirt or \$1.00 from such as are approaching manhood.” Disputes and difficulties were settled by Mr. Duncan or by the ten constables. As the chiefs showed themselves capable of appreciating the new condition they were slowly allowed to take jurisdiction in the civil matters of the community. The great bane was intoxicating liquor. Mr. Duncan realized the necessity of preventing its presence in Metlakahtla. As

<sup>26</sup> Begg's History of British Columbia, pp. 340-341.

<sup>27</sup> Metlakahtla, p. 103.

<sup>28</sup> Id., p. 46.

a Justice of the Peace he imposed the heaviest penalties on all purveyors of the forbidden drink and succeeded, except in rare instances, in keeping it out of his settlement. But when his Indians went to Fort Simpson some of them were not strong enough to withstand the temptation; banishment from Metlakahtla followed unless some extenuating circumstances could be shown.<sup>29</sup>

In 1864 the Rev. Mr. Doolan arrived from England and at Mr. Duncan's suggestion he established a permanent mission at Naas. On his retirement in 1867 this work was carried on by Rev. Mr. Tomlinson, who proposed to establish there, under the name of Kincolith, a Christian community after the model of that at Metlakahtla.<sup>30</sup>

For the purposes of the settlement at Metlakahtla as well as for missionary work in general, Mr. Duncan purchased in 1863 the "Missionary Schooner" *Carolina*. The necessary funds were supplied by the Indians themselves. The interests of civilization and religion in the northern part of the province suffered a great loss when, some years later, the vessel foundered off Bella Bella with all on board.

From time to time the settlement was visited by Bishop Hills, Rev. Edward Cridge, the dean of Victoria, Rev. Mr. Dundas, Rev. Archdeacon Woods, and other clergymen. On these occasions the visitors examined the candidates for admission into the Church, and performed the rite of baptism, for Mr. Duncan was not a clergyman. Though qualified for ordination, he consistently declined it, feeling that the whole interests of his little community would be better served by his remaining a lay missionary. The fame of Mr. Duncan's work spread far afield; Metlakahtla became one of the sights of the coast. Every visitor was loud in praise of the wonderful organization of the community and filled with hopes of the future of native races as he noted the enormous progress the Indians had made in the arts of peace and civilization. Mr. Duncan was necessarily an autocrat; yet his rule, though despotic, was benign.

In 1876, Lord Dufferin visited Metlakahtla. Mr. Duncan had just got the sawmill in running order and the first log was being cut up as the *Amethyst* announced her arrival. In his Victoria speech

<sup>29</sup> See generally hereon Mayne, *British Columbia and Vancouver Island*, Chaps. 11 and 12.

<sup>30</sup> Metlakahtla, pp. 84, 123.



the Governor-General bore witness to the noble work Mr. Duncan was doing. "I have visited," he said, "Mr. Duncan's wonderful settlement at Metlakahtla, and the interesting Methodist mission at Fort Simpson, and have thus been enabled to realize what scenes of primitive peace and innocence, of idyllic beauty and material comfort, can be presented by the stalwart men and comely maidens of an Indian community under the guidance of a judicious and devoted Christian missionary."<sup>31</sup>

On Queen Charlotte Islands, Rev. Mr. and Mrs. Collison landed in November, 1876, to establish an outpost of the Metlakahtla mission amongst the finest and fiercest of the coast tribes—the Hydahs. They walked exactly in Mr. Duncan's footsteps; first picking up the language and gradually obtaining recognition amongst the Indians as their friends; then opening a school for the native children; and then seeking to wean the adults from some of their more degrading customs. After about two years of steady labour, gambling, heathen dances, and the manufacture of intoxicating liquor from molasses (which was the greatest evil of all) began to diminish. The medicine men here as elsewhere were most bitterly hostile, and sought in every way to hinder their work, which they realized was a deathblow to their further existence. The first Hydah to come out distinctly as a Christian was one Cowhee, a son of Chief Edenshaw. One day he brought to Mr. Collison a book which had been given to him many years before by the captain of a British man-of-war. It was a testament, bearing this inscription: "*From Capt. Prevost, H. M. S. Satellite, trusting that the bread thus cast upon the waters may be found after many days.*"<sup>32</sup> After spending three years on Queen Charlotte Islands, Rev. Mr. Collison removed to Metlakahtla to assist in the pastoral and educational work there. Mr. George Sneath, a zealous young missionary artisan, undertook to carry on the work amongst the Hydahs. The honour of being the first native teacher on the islands was conferred on young Cowhee.

Amongst their many missionary activities, the Roman Catholics had in 1863 established a station near Fort Rupert. But after years of patient toil such men as Fathers Fouquet, Durieu, and LeJacq—all princes in knowledge of the Indian—confessed themselves fairly

<sup>31</sup> Metlakahtla, p. 104; St. John, *The Sea of Mountains*, vol. 2, p. 163.

<sup>32</sup> Metlakahtla, p. 91.

beaten by the medicine man's rattle, and abandoned the Kwakiutl to their heathenism.<sup>33</sup> Emulating the celebrated journey of the Flat-heads and Nez Percés to St. Louis in search of the white man's Book, the head chief of Fort Rupert, in October, 1875, came three hundred miles to Metlakahtla to ask for a missionary. Mr. Duncan could not leave his station; so multifarious had its interests become that he was kept occupied with them. But in 1878 the Rev. A. J. Hall was sent to make a trial. The condition there can not be better described than in the following report: "The medicine men exercise much power. Passing a house he heard strange noises. A medicine woman was blowing on the breast of a sick woman, and making a peculiar howl. For the blowing she was paid two blankets. A famous doctor was recently sent for from a neighbouring village. Mr. Hall heard him blowing in the same way as the medicine woman. For his visit he received thirty blankets. These people are divided into clans, and each clan when dancing imitates an animal. The children follow their fathers and grandfathers in the same dance, year after year. One party when they perform are hung up with hooks in a triangular frame, one hook being stuck into the back and two more into the legs; suspended in this way, they are carried through the village. Another clan have large fish hooks put into their flesh to which lines are attached. The victim struggles to get away and those who hold the lines haul him back; eventually his flesh is torn and he escapes. By suffering in this way they keep up the dignity of their ancestors and are renowned for their bravery."<sup>34</sup> Facing such a situation, we can well believe that the results of the reverend gentleman's labours were but small.

In 1878-9, Admiral Prevost, formerly Captain J. C. Prevost, visited these northern missions. No visitor was more interested in the work or more highly appreciated. Being on the retired list, he had come to see into what a gigantic tree the little seed that he had planted twenty years before had grown. His narrative shows the keen interest he took in the success of his plan; every incident, every detail is set out with loving exactness, as he strolls through the model village with its sober and God-fearing people, its neat and orderly houses, and its substantial evidences of material and religious prog-

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<sup>33</sup> Morice, *History of Catholic Church*, Vol. 2, p. 320.

<sup>34</sup> Begg's *History of British Columbia*, p. 344.

ress. When he was at Rev. Mr. Hall's mission the Admiral said to the Indians: "Thirty years ago I came among you with my man-of-war, but today I come with a message of peace from the King of Heaven."<sup>35</sup>

Soon after Bishop Ridley's accession to office, in 1879, friction developed between himself and Mr. Duncan. It had been remarked that though three ordained missionaries, at least, had been sent to Metlakahtla, they had in every case been placed in charge of some other mission or had been sent to open one elsewhere, or had returned owing to ill-health; consequently Metlakahtla—the centre, the model—remained in charge of its founder, a lay man. Again, though supported in part, at any rate, by the Church Missionary Society, the service was not exactly that of the Anglican Church. This fact was well known to the society; yet, acting through the Bishop, the demand was now made that the union in spirit and doctrine with the converts which had existed for over twenty years, should now give place to uniformity in ritual and practice. Starting in these two comparatively insignificant matters, dissensions grew; the little community was rent in twain in the dispute between the Bishop and Mr. Duncan; the former levelled at the head of the latter all manner of charges, into the details of which we can not go, further than to say that the Christian charity which he was supposed to show forth to the world was painfully lacking in his conduct, for in every case there was a plain explanation in the missionary's favour, and even if there had not been, his zeal in the cause and his years of faithful service should have been remembered. From religious questions the dispute passed to worldly affairs, relating to the varied industries and interests at Metlakahtla. For years it went on, becoming more heated. At one time men-of-war were sent to the mission. Mr. Duncan's connection with the Church Missionary Society was ended.

Mr. Duncan now determined to remove his mission to the United States. Late in 1886 he went to Washington, bearing the following letter:

Victoria, B. C., November 16, 1886.

To the Lovers of Civil and Religious Liberty in America:

The bearer, Mr. William Duncan, for thirty years a devoted missionary of religion and civilization in North British America,

<sup>35</sup> Metlakahtla, pp. 101, 111.

and during the whole of that period well known to the undersigned, is on his way to Washington, deputed by the native brethren of Metlakahtla to confer with the United States authorities, on matters affecting their interests and desires.

Like the Pilgrim Fathers of old, this afflicted but prospering and thrifty flock seek a refuge for grievous wrongs, and hope to find it under the American flag.

They prefer abandoning the home of their fathers, and the precious fruits of their industry, to submitting to the violent seizure of their land and the intolerable stings of religious greed and interference.

We, therefore, most respectfully commend Mr. Duncan and his mission to such brothers and friends in our sister country—the land of the free—as may be disposed to use their influence, in aid of the oppressed.

(signed)

E. Cridge, Bishop R. E. C. Resident since 1854.

B. W. Pearse, Formerly Surveyor General, Vancouver Island; also Chief Commissioner Lands and Works, British Columbia; also Resident Engineer, P. W. Department, Canada. Resident since 1851.

W. J. Macdonald, Life Senator of the Dominion Parliament of Canada from British Columbia. Resident since 1850.

Turner, Beeton & Co., Merchants, British Columbia.

J. H. Turner, Member Provincial Parliament, Victoria, B. C.<sup>36</sup>

Success crowned his efforts in Washington, and early in 1887 he with the majority of the Indians, removed to Alaska and founded on Annette Island, near Behm Canal, the New Metlakahtla, which he laid out along the same lines as the original mission and where equally wonderful results have been obtained.

With the news of gold on the mainland and the consequent rush came two clergymen—the Rev. J. Gammage and the Rev. W. Burton Crickmer. The latter was of St. Edmund Hall, Oxford, and had been curate of St. Marylebone. They were appointed in September

<sup>36</sup> Wellcome, *The Story of Metlakahtla*, pp. x, xi.



and October, 1858, and their stipends were to be paid by the Society for the Propagation of the Gospel and the Colonial Church Society respectively.<sup>37</sup> The first Protestant Church erected on the mainland was at Old Langley (Derby) and there Rev. Mr. Crickmer, who had accompanied Colonel Moody from England, preached the first sermon on May 13, 1859. With the abandonment of Derby that building, which had not been consecrated, fell into dis-repair, and in 1882 was removed to Maple Ridge.

In August, 1859, arrived Rev. John Sheepshanks, later Bishop of Norwich, who became rector of Holy Trinity, New Westminster. This church was consecrated December 2, 1860, by Bishop Hills; destroyed by fire September 6, 1865; rebuilt and re-consecrated December 18, 1867; again destroyed by fire September 10, 1898; and again rebuilt. To this church the Baroness Burdett-Coutts presented, in 1861, a chime of eight bells, the first in British Columbia. The belltower escaped the first fire, but the bells were destroyed in the second. An early view of Holy Trinity shows in the foreground a small log hut—the rectory. Associated with Rev. Mr. Sheepshanks was the Rev. C. Knipe. About 1867 the former returned to England. His democratic ways had much endeared him to the people and his departure was greatly regretted. His successor, the Rev. Mr. Hayman, remained until August, 1868. Following him came the Ven. C. T. Woods, who had been principal of the Collegiate school in Victoria.<sup>38</sup>

During the gold-mining days on the Fraser the Rev. A. D. Pringle was stationed for a time at Hope; the Rev. R. C. Lundin Brown, the author of a prize essay on British Columbia, at Lillooet; the Rev. J. B. Good, and later the Rev. W. Reeve, at Yale;<sup>39</sup> and the Rev. Mr. Reynard at Cariboo. The Chaplain of the Forces while the detachment of Royal Engineers remained in the colony, was the Ven. Archdeacon Wright.

Christ Church at Hope was the second consecrated building on the mainland. The ceremony took place on November 1, 1861. The Bishop of Columbia, the Archdeacon, the Rev. Mr. Crickmer, the Rev. Mr. Sheepshanks, with the incumbent, the Rev. Mr. Pringle, were present and took part in the ceremony.<sup>40</sup>

<sup>37</sup> *Victoria Gazette*, December 16, 1858.

<sup>38</sup> *British Columbian*, August 5, 1868.

<sup>39</sup> *Id.*, April 16, 1864.

<sup>40</sup> *British Columbian*, November 14, 1861.

In May, 1862, St. Mark's Church at Douglas was consecrated. Assisting Bishop Hills in this ceremony were the Rev. C. Knipe, Rev. A. C. Garrett, and Rev. J. Gammage. The design was contributed by Captain Grant, R. E.; and the building was constructed by Messrs. Manson and White of New Westminster.<sup>41</sup>

St. Mary's Church at Lillooet was the fourth Anglican church to be consecrated. The ceremony was performed on September 14, 1862, by Bishop Hills upon his return from Cariboo. The petition for its consecration was presented by Mr. A. C. Elliott, the resident magistrate and later the Premier of the Province. Assisting in the services were the Rev. R. J. Dundas of St. John's, Victoria and the incumbent Rev. R. C. L. Brown.

St. Mary's at Sapperton was the next in order of date. It was consecrated on May 1, 1865, by Bishop Hills. The building was erected by Messrs. Bonson and Richards of New Westminster. The first rector was Rev. J. C. Cave.

The first church to be consecrated on Vancouver's Island was St. John's—the iron church, as it was commonly called. This event occurred on September 13, 1860. The first rector was the Rev. R. J. Dundas, 1860 to 1865. He was followed by the Ven. Archdeacon Gilson, 1865 to 1867. The Rev. F. B. Gribbell acted as priest in charge for a year. The Rev. Percival Jenns, the present venerable rector, was appointed in 1868.<sup>42</sup>

Christ Church Cathedral—sometimes called Victoria District Church—was built in 1856 and opened for Divine worship in August of that year. The Rev. Edward Cridge was the first incumbent; then Bishop Hills; the Rev. R. J. Dundas, formerly rector of St. John's; the Rev. J. A. Reynard, who had also been in Cariboo; the Rev. A. C. Garrett, now Bishop of Dallas, Texas; the Ven. Archdeacon Wright; and the Ven. Archdeacon Mason. It was constituted the Cathedral Church of the Diocese of Columbia in 1865. Until the unhappy dissensions arose in 1874 between Bishop Hills and Dean Cridge (which resulted in the organization of the Reformed Episcopal Church) one of its most prominent members was Sir James Douglas, the Governor. "He walked down the aisle in his uniform in the most dignified manner, and led the congregation in

<sup>41</sup> *British Columbian*, May 24, 1862.

<sup>42</sup> *British Columbian*, December 19, 1912.

the responses in an audible voice.”<sup>43</sup> Destroyed by fire in 1869, it was rebuilt and re-consecrated on December 5, 1872.

The first Anglican church on Vancouver Island, outside the city of Victoria—St. Paul’s at Nanaimo—was consecrated August 27, 1865. The Rev. Percival Jenns, who later became rector of St. John’s at Victoria, was its first rector. He was succeeded by the Rev. George Mason, M. A., who later became Archdeacon of Vancouver and rector of Christ Church Cathedral.

Following in quick succession came churches at Esquimalt, Metchosin, Cowichan, and Saanich. In 1877 the ministerial body consisted of the Bishop, thirteen clergy, and several missionary catechists; there were twenty churches, besides mission chapels.

The Diocese of Columbia had been formed in November, 1859, by an endowment of £25,000 from the Baroness Burdett-Coutts. It covered the two colonies of British Columbia and Vancouver Island.<sup>44</sup> The Right Reverend George Hills, incumbent of Great Yarmouth, and Honorary Canon of Norwich was appointed first Bishop and consecrated in Westminster Abbey on St. Matthias’ day, February 24, 1859. Finding the work too severe for him he arranged, in 1879, for its division into three Dioceses—Vancouver Island, New Westminster, and Caledonia. Retaining the former himself, the Rev. W. Ridley became Bishop of Caledonia, and the Right Reverend Acton Windeyer Sillitoe, chaplain to the British Legation at Darmstadt and to the Princess Alice, became Bishop of New Westminster.<sup>45</sup>

Soon after the arrival of Bishop Ridley the unfortunate differences between himself and Mr. Duncan already referred to, arose. After the emigration the Bishop took up his residence in the premises formerly occupied by Mr. Duncan. Metlakahla became the centre of the Diocese. The church built by the Indians under Mr. Duncan is still used as a place of worship. The industries which Mr. Duncan had established languished after his departure and the whole settlement, though stated by the Bishop to be in a good, healthy, religious condition, seemed to the ordinary traveller to have lost the air of advancement and material progress which had been so plain before the advent of the Bishop Ridley.

<sup>43</sup> Fawcett’s *Reminiscences of Old Victoria*, p. 150.

<sup>44</sup> Macfie, *Vancouver Island and British Columbia*, p. 81.

<sup>45</sup> Gowen, *Church Work in British Columbia*, p. 5.

Bishop Sillitoe, whose Diocese of New Westminster included the lower part of the mainland, arrived in June, 1880, and took up his residence at St. Mary's Mount, at Sapperton, New Westminster. There he entertained with open-handed hospitality. All were welcome to St. Mary's Mount. Amongst his most prominent guests were the Marquis of Lorne and Her Royal Highness the Princess Louise during their visit to the province in 1882. With the completion of the Canadian Pacific Railway the population of the province increased rapidly. New churches were required everywhere.

In Vancouver the first Anglican church was St. James', which as St. James' Church, Granville, had been consecrated on May 15, 1881. The Rev. George Ditcham was its first rector. Destroyed in the fire of June 13, 1886, with all its furniture and contents, it was, by dint of the untiring perseverance of its rector, the Rev. H. G. F. Clinton (formerly the Principal of Bishop's College, Calcutta, and Vice-Principal of the Missionary College of St. Boniface, Warminster), soon rebuilt and re-consecrated on New Year's Day, 1888.<sup>46</sup>

Christ Church was formed into a separate parish in 1888. From the very commencement it showed the same energy that it manifests to-day. In 1889 it raised the enormous sum of seven thousand dollars for church and church work. The Rev. H. Hobson was one of its earliest rectors. The city was developing so fast that in 1889 two mission churches, as they were then called, were built at some distance from the mother church of St. James. These were St. Michael's on Mount Pleasant and St. Paul's on Hornby Street.<sup>47</sup>

*The Western Avernus* contains a description of the meeting between its author, Morley Roberts, then unknown in the literary world, and the missionaries at Lytton, Messrs. Small and Edwardes. The former had mistaken the mission house for a hotel. The warm-hearted reception accorded to him, the pleasant chat upon books and literature roaming from the Greek classics to modern poetry, and the enjoyable hour spent over the rough-and-ready dinner are inimitably described. As he leaves them Roberts soliloquizes: "These two gentlemen were High Church English clergymen, who had come out there as missionaries for the Indians. What a terrible sacrifice to make! It seems to me waste of such lives; but yet what

<sup>46</sup> Gowen, *Church Work in British Columbia*, pp. 158, 167.

<sup>47</sup> *Id.*, p. 171.



goodness of heart and strength of conviction must have led these to leave a land of culture and expatriate themselves among these mountains, and men ruder than the mountains!"<sup>48</sup>

Amongst the Anglican clergymen on the mainland during Bishop Sillitoe's tenure of office were: the Rev. H. Edwardes; the Rev. R. Small, afterwards Archdeacon Small; and the Rev. R. C. Whiteway at Lytton; the Rev. Mr. Gilbert at Yale and at Chilliwack; the Rev. Mr. Blanchard at Yale and, later, at Barkerville, where the church of St. Saviour had been built in 1873; the Rev. D. H. W. Horlock at Yale and, later, at Kamloops; the Rev. William Bell at Surrey and Delta; the Rev. Charles Croucher at Ladner and, later, at Yale; the Rev. A. A. Dorrell at Ladner; the Rev. A. J. Reid, and, later, the Rev. H. S. Akehurst at Nelson; the Rev. Mr. Baskett at Chilliwack; the Rev. W. Baugh Allen at Chilliwack; the Rev. A. R. McDuff at Ashcroft; the Rev. George Ditcham at Granville; the Rev. A. Shildrick at Kamloops; the Rev. H. G. F. Clinton at Vancouver; Archdeacon Charles T. Woods and the Rev. H. H. Gowen (now the Rev. Dr. Gowen of Trinity Church, Seattle) at New Westminster; and the Rev. Henry Irwin at Kamloops and Similkameen.

In this list, by common consent, one name stands pre-eminent—the name of the Rev. Henry Irwin, familiarly and commonly called Father Pat. Even in this short sketch space must be found to deal at some length with this wonderful man.

He arrived in 1885 and took up part of the work at Kamloops, having special charge of the men employed on the railway construction. From the day when he showed his spirit by riding a bucking horse which, to make a fool of the parson, a practical joker had given him to ride, Father Pat's hold upon the rough element was secure.

From Kamloops he, in 1887, removed to Donald, then a busy, but now a deserted, spot on the railway close to the Rocky Mountains. The snow sheds along the Canadian Pacific Railway had not then been constructed, and the frequent snow slides carried death and destruction down the unprotected mountain sides. On one occasion a slide occurred by which the crew of a snow plough, including a Mr. Green, the conductor, were killed. The line was blocked and

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<sup>48</sup> *Op. cit.*, pp. 159 to 165.

buried in the snow; but to relieve the almost frantic widow, Father Pat, disregarding the danger, took a toboggan and, at the risk of his life, set out alone over the waste of snow to bring back the body. Two days and a night the dangerous journey occupied. Such acts—and this was but one out of many—endeared him to the people. Yet withal, he was a plain, kindly, unassuming man.\* When one of his congregation praised him for a good sermon he had preached, he looked sad, and simply said: "We go to church to worship God."

The strain of his work told so much upon him that he was compelled to visit his old home in Ireland and rest. Returning to British Columbia in 1890 he became the domestic chaplain of Bishop Sillitoe. After four years of this quiet life, having suffered a severe blow in the loss of his wife and his infant child, he was recalled to Ireland owing to the last illness of his father.

He returned once more in 1896 to take up the work at Rossland, then coming to the front as *the* mining camp of the province. A bond of fellowship soon existed between Father Pat and the miners and prospectors. His broad Christianity struck in them a sympathetic chord. He established a free library and sitting room, and in issuing the invitation to all and sundry delivered himself somewhat in this wise: "A man don't have to belong to my church or Sunday School, or to any Sunday School, to be welcome. Doors are always open—books, magazines, are there. All that anyone has to do is to help himself. There are comfortable chairs. I want those young men and others who have no places and no homes to go to." And the miners appreciated the spirit. "He's a good man," said one. "We know that. There's nothing we can give him. His reward is ready for him, for all the poor fellows he's cared for, that nobody else would bother about. No one can take it from him. He's recorded *his* claim right enough." Readers of recent fiction will find in Father Mike, one of the characters in "The Prospector," Ralph Connor's picture of Father Pat.

Father Pat arrived in Rossland on January 27, 1896. Within two months the work of building a church—St. George's, Rossland—took shape. The following incident, which is said to have occurred soon after his arrival, will show the man. Happening to pass down the street one Saturday evening, he saw some men disturbing a meeting of the Salvation Army. Father Pat was to the

rescue at once. "Boys," he said, "don't do that. These people are doing good work and you ought to help them. So I'm going to pass the hat around." Then, addressing one whom he knew: "Now, Jack, don't be fumbling for that two-bit piece. Put in two dollars. If you don't, you know you'll only spend it in whiskey and you'll have a bad head in the morning."

As Rossland was passing out of the mining camp stage into that of the city, Father Pat looked for a new spot—unbroken ground—and made his way to the Fairview camp, which lay to the westward. He himself told this story of his life there. While reading the prayers he was interrupted by a miner and something like the following dialogue took place: "Hold on there, parson, I don't pray for that fellow." "Why not?" "Because the papers say so and so about him." "Well, but the papers don't always speak the truth, do they?" "Not by a long chalk." "And if all these stories were true he would need our prayers all the more, wouldn't he?" "Well, I guess you're right, parson, so fire away."

Father Pat set off for Ireland at the end of 1901. No one knows what happened, for he who could, would not, tell the tale. He appears to have got out of the train before reaching Montreal and to have walked for a while and laid down, half unconscious. The bitter cold of an eastern midwinter night did the rest. He was found walking aimlessly about, pushing his feet along, rather than lifting them. When taken to Notre Dame Hospital both his feet were found to be so badly frozen that his boots had to be cut off. He died there, January 3, 1902.

In his memory an ambulance was purchased by public subscription for use in Rossland and a drinking fountain was erected on the main street. The inscription it bears is true. It describes him as one "whose life was unselfishly devoted to the welfare of his fellow-men, irrespective of creed or class."<sup>49</sup>

In 1892 Bishop Sillitoe selected Holy Trinity Church at New Westminster as his Cathedral. On his death in June, 1894, the Rev. W. Hibbert Binney, rector of Wilton, Norwich, Cheshire, England, was chosen as his successor. That gentleman, however, refused to accept and later the Rev. John Dart, D. D., of Nova Scotia, formerly president of the university of King's College, became Bishop of

<sup>49</sup> Mercier, *Father Pat*, pp. 38, 44, 45, 75, 76, 108.

New Westminster. When Bishop Dart died in 1910 the Rev. A. U. De Pencier, rector of St. Paul's, Vancouver, was selected and enthroned.

Bishop Hills, of the diocese of Columbia, resigned in 1892. His successor was the Right Rev. William Wilcox Perrin, D. D., who was consecrated in Westminster Abbey on March 28, 1893. He arrived in Victoria on May 18, 1893, and at once assumed his duties as the second bishop of the diocese. After eighteen years of unremitting labour Bishop Perrin retired in 1911. His successor was the Right Rev. J. C. Roper, the present incumbent, who was consecrated in 1912.

Bishop Ridley's successor in the Diocese of Caledonia was the Right Rev. F. H. du Vernet, who assumed the duties of his high office in 1904.





## CHAPTER XXXVI

### EARLY MISSIONS AND MISSIONARIES (Continued)

THE METHODISTS were early in the field. Four missionaries—the Rev. Ephraim Evans, D. D., Rev. Edward White, Rev. Ebenezer Robson, and Rev. Arthur Browning set out from Ontario for British Columbia in December, 1858. The Rev. Edward Cridge, then the rector of Victoria District Church, welcomed them on their arrival with broad Christian charity. The first Methodist service on Vancouver Island was held in Victoria on February 13, 1859. The little band then separated. The Rev. E. Robson took charge at Fort Hope; the Rev. Arthur Browning at Nanaimo; the Rev. E. White at New Westminster, or Queensborough, as it was then called; while the Rev. Dr. Evans remained at Victoria.

For the site of a church and parsonage at Victoria, Mr. A. G. Dallas, Chief Factor of the Hudson's Bay Company, granted three city lots—the island being at that time the property of the Hudson's Bay Company under the arrangement for colonization made in 1849. The sum of three thousand dollars was raised by public subscription towards the erection of a church and parsonage. The corner-stone of the first Methodist church was laid by Governor Douglas with all pomp and ceremony on August 15, 1859.

The Rev. Edward White arrived at New Westminster in March, 1859. He held his first service there on Sunday, April 3rd. "The congregation assembled in one of the shady spots surveyed for a public square, and consisted of one lady, two children, and some fifty males. It was a beautiful spot, and the occasion one of peculiar solemnity. Flowers were blossoming within a few feet of us, and beautiful birds were twittering amid the rustling branches of the stately conifera. The dense forest around and beyond seemed to echo back the warning tones of the speaker's voice, and as the con-

gregation united their voices in songs of praise, the very trees seemed to blend their cadence in the melody.”<sup>1</sup>

The Rev. Arthur Browning preached his first sermon at Nanaimo February 20, 1859. The Rev. Dr. Evans preached his first sermon at Yale on March 13, 1859, and on the same date the Rev. E. Robson preached his first sermon at Fort Hope.

In 1862 the Rev. D. V. Lucas arrived from Canada to assist in the work, which was growing so rapidly that the utmost efforts of the four indefatigables could not overtake it.

The Rev. Thomas Derrick and the Rev. Amos E. Russ arrived in British Columbia in September, 1868—the former to take up the work in Cariboo; the latter, in Victoria. Cariboo had been strangely neglected by the Protestant denominations. Almost all of them had sent missionaries to that famous gold field, but in every instance but one they had departed after a short summer visit. The exception referred to was the Rev. D. Duff of the Presbyterian Church, who had remained in Cariboo from the summer of 1864 to the fall of 1865. Thomas Cunningham, now of Vancouver, but then a merchant at New Westminster, offered a contribution of \$500.00 a year for three years towards the support of a Methodist missionary in Cariboo, on the single condition that the person selected should be a first class man. The selection of Mr. Derrick was most fitting, not only because of his distinguished abilities and self-denying zeal, but also because, being from Cornwall, he had been from earliest boyhood familiar with the life and work of miners.<sup>2</sup> Writing to the Rev. E. White, Mr. Derrick records the following incident of his journey to the mines: “I did here what I have often done—ran ahead of the stage for the sake of health and circulation. But here the road forks, the more direct heading to the Big Bend, and not seeing the other road I went on towards Big Bend for some distance; meanwhile the stage came up and turned off for Cariboo and I was left behind. So it proved not only a *bend*, but a *break* in my journey. I had to wait at Bonaparte for the next stage, which, owing to fogs, &c., did not come up for two weeks.” Anent this episode the *Cariboo Sentinel* sententiously remarked: “The preacher was coming here to tell us the way to Heaven, and got lost on the way to Cariboo.”

<sup>1</sup> Begg's History of British Columbia, p. 310.

<sup>2</sup> *British Columbian*, August 12, 1868; December 12, 1868.

During the Rev. Mr. White's second pastorate at Nanaimo, the first camp meeting in British Columbia was held at Maple Bay in July, 1869. Though difficult of access, a large concourse gathered, including nearly all the ministers in the colony as well as devoted laymen and women from Victoria, Nanaimo, and New Westminster.

The Rev. Dr. Evans laboured in the colony until 1868, when he returned to London, Ontario. He died there in 1892. The Rev. Mr. White also left the colony about the same time for Ontario, where he died in 1872. For some time prior to his departure the Rev. Mr. White was superintendent of Methodist missions in British Columbia. The Rev. Dr. Evans held a similar office on the island. Mr. White's experience of pioneer life in Canada, his familiar acquaintance with the working of liberal institutions, and his uprightness of life and character combined to render his departure from the colony a loss appreciably felt far outside the lines of his own church. The Rev. A. Browning also left the colony about 1870.

The Rev. James Turner, who since 1873 had been labouring at New Westminster and Burrard Inlet, was in 1875 appointed to the Nicola Valley and Kamloops. So great were the distances between his preaching places that he was almost constantly in the saddle and soon obtained the name of the "saddle bags missionary." His field reached from Soda Creek to Osoyoos and Keremeos, and from Lillooet to Spallumcheen. When at Soda Creek he was 274 miles from his home in Nicola, and when at Keremeos he was 270 miles in the opposite direction.

Methodism continued to make rapid strides. In 1876 the number of hearers attending the services was about 3,640; churches, 23; other preaching places, 26; members, including those on trial, 623. There were three day schools among the Indians and Chinese, with four teachers, and 371 scholars; there were 12 Sunday schools, 59 officers, and 1,229 scholars. At that time the following ministers were stationed: Victoria, Rev. Amos E. Russ; Maple Bay, Rev. William V. Sexsmith; Nanaimo, Rev. Cornelius Bryant; New Westminster, Rev. William Pollard; Burrard Inlet, Rev. Thomas Derrick; Sumas and Chilliwack, Rev. Joseph Hall; Indian tribes, Rev. Charles M. Tate; Cariboo, Rev. Christopher L. Thompson; Nicola Valley and Kamloops, Rev. James Turner; Fort Simpson, Rev. Thomas Crosby; Chairman of the Conference, Rev. William Pol-



lard.<sup>3</sup> In 1882 there were fourteen ministers, sixteen stations, and sixty-five preaching places. In that interval the Rev. Messrs. Russ, Derrick, and Thompson had left the province. In their stead and in addition had come: The Rev. Messrs. Coverdale Watson, B. Chapell, Wellington J. Dowler, James A. Wood, R. B. Hemlaw, and A. E. Green. The Rev. Ebenezer Robson, who had been obliged owing to Mrs. Robson's ill-health to return to Canada in 1866, returned in 1880 and took up the work at New Westminster.<sup>4</sup>

While the Rev. Mr. Robson was stationed at New Westminster he, on July 30, 1865, preached the first sermon delivered on the site of the City of Vancouver. The building used was the bunk house occupied by the men then employed by Captain Edward Stamp in the erection of the Hastings Mill.

The first building used as a Methodist church in Vancouver was opened on May 2, 1886. Prior to that date their meetings had been held in the school house at the Hastings Mill. The Rev. Joseph Hall was in charge. The mission then included Moodyville, Granville, and the North Arm of Fraser River. Destroyed in the fire of June 13, 1886, the hall was rebuilt on Water street. The congregation outgrew this small hall almost as soon as it was completed. In 1887 the Homer St. Methodist Church was erected, and in the following year Princess St. and Mount Pleasant. Soon the Homer Street building was not sufficient to contain the congregation and the Wesley Church on Burrard Street was built.

The Methodists established themselves at Revelstoke in 1888, the Rev. James Turner being in charge. In 1890 the Rev. R. J. Irwin was placed at Nelson, but in the following year he was succeeded by the Rev. Mr. Turner. When Rossland came into prominence the Rev. Charles Ladner was sent as a missionary to that locality; and without entering into all the details it can be compendiously said that the Methodists kept pace with the growth of the Kootenay and Boundary mining camps and established themselves in every town and village of any importance throughout all that vast interior region.

When missionary work amongst the Indians is being considered the name of one man in the ranks of Methodism—the Rev. Thomas Crosby—is by common consent placed on the pedestal beside that of

<sup>3</sup> Guide to British Columbia, 1877, p. 272.

<sup>4</sup> British Columbia Directory, 1882-3, p. 399.

Mr. Duncan. Beginning in 1863, as a teacher in the Methodist Mission school at Nanaimo, he showed himself so suitable for the work that he was, in 1867, placed in charge of the Indian missions along the lower coast and Fraser River. The Rev. E. Robson and the Rev. E. White had from time to time visited the Indians of the Fraser, especially in the neighbourhood of Chilliwack, and had promised them that very soon should arrive a missionary speaking their own language. In consequence the coming of Mr. Crosby was anxiously awaited. He came at an opportune time. The small-pox was epidemic amongst the natives in 1869. Mr. Crosby came, in every sense a healer, with the Bible in his right hand and vaccine in his left. He at once set himself to the task of erecting a church in Chilliwack. Contributions were obtained from Indians and whites alike, and by 1870 a neat little church bore witness to the success of his efforts.<sup>5</sup> It was soon seen that the right man had been found. When the Rev. Dr. Morley Punshon, the President of the Wesleyan Methodist Conference in Canada visited the Province in 1871, he insisted that Mr. Crosby should be ordained. The ceremony was most fittingly performed in the old Pandora Street Church—the first Methodist church in the Province—in April, 1871.<sup>6</sup>

The Rev. Mr. Crosby's success pointed him out as the man to undertake the work amongst the Indians of the north, and he found his life's work when in 1874 he was sent to Port Simpson as permanent missionary. Assisted by his wife, as zealous a worker as himself, he undertook the establishment at Fort Simpson of a mission of a type similar to that of Mr. Duncan at Metlakahtla, but with this difference that instead of secreting his converts from the world, he placed them face to face with it, relying upon the firm basis of inculcated practical Christianity for the victory over its temptations. No one was more generous than Rev. Mr. Crosby in acknowledging that his mission at Fort Simpson was indebted for a part of its success to the good seed which Mr. Duncan had been sowing in the vicinity for nearly twenty years. Schools were established, neat dwellings built, small garden patches allotted to each family, and an annual fair was instituted at which prizes were awarded for the best carving, the neatest garden, the best made door, window, etc.

<sup>5</sup> Among the An-ko-me-nums, pp. 169-182.

<sup>6</sup> Id., pp. 193-4.

Vol. II—41

In closing this fragmentary sketch it should be added that besides the work amongst the Indians the Methodists have been very energetic both in Chinese and Japanese mission work. They were also the first denomination to undertake higher education. In 1892 the Columbian Methodist College was established in New Westminster in affiliation in Arts with Toronto University. A full course in theology was given as well as commercial and ladies college courses. Under the able guidance of the Rev. Dr. Whittington, the Rev. Dr. Sipprell, and the Rev. Principal Etherington the college has attained a very high reputation, maintaining always an excellent standard of scholarship.

The Rev. Ebenezer Robson, upon whom had been conferred the well deserved degree of Doctor of Divinity—the doyen of the Methodist Church in British Columbia—died in May, 1911, at the advanced age of seventy-seven years. Fifty-three years of his busy life had been spent in the ministry.

THE CONGREGATIONALISTS were also very early in the field here as they had been in the adjoining state of Washington. Their efforts, however, were confined to the colony of Vancouver Island. Their first representative was the Rev. William F. Clarke, who appears to have arrived at Victoria early in 1858, and to have remained until the fall of 1859. In September, 1859, his successor, the Rev. Matthew Macfie, arrived and took up the work. In due time a place of worship was obtained. For five years thereafter religious services were maintained, partially with the aid of the British Colonial Missionary Society.<sup>7</sup> In March, 1864, the Rev. Mr. Macfie, who was very popular, was selected as a fit person to be sent home to England to lecture in the interests of immigration to the colony. With his departure the Congregationalists, as a body, ceased to exist, and became fused with the Presbyterians.<sup>8</sup> From that date until 1888 no Congregationalist church existed in British Columbia; but in the year mentioned the importance of Vancouver and its brilliant future caused that body to send out the Rev. J. W. Pedley, who organized the First Congregationalist Church, Vancouver. Very shortly afterwards another Congregationalist church was established in Victoria. The census of 1891 gave the number of Congregationalists as seven hundred and seventy-five.

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<sup>7</sup> Macfie, *Vancouver Island and British Columbia*, p. 83.

<sup>8</sup> *British Columbian*, November 16, 1864.

THE PRESBYTERIANS were not represented until 1861, when the Rev. John Hall arrived in Victoria to take charge of the work of that body in the colony of Vancouver Island. On April 9, 1863, the corner-stone of the First Presbyterian Church, Pandora Street, Victoria, was laid by Chief Justice Cameron assisted by the pastor, the Revs. Dr. Evans and D. V. Lucas, representing the Methodists, and the Rev. Matthew Macfie representing the Congregationalists.<sup>9</sup> For four years Rev. Mr. Hall remained in charge. Upon his resignation the Rev. Mr. Nimmo who had been sent out as a missionary was also withdrawn. The Rev. Thomas Somerville, M. A., of the Church of Scotland, then became pastor. His flock was a combination of Presbyterians and Congregationalists. About 1867 dissensions arose, a division resulted, and in 1868 a new church—St. Andrew's—was founded. The corner-stone of this new church was laid on August 20, 1868, with Masonic honours by Dr. I. W. Powell, the Grand Master of that body in British Columbia. The religious ceremonies were held in St. John's Church, the Rev. P. Jenns officiating. The sermon was delivered by the Rev. F. B. Gribbell, the Grand Chaplain. The church was completed and dedicated on April 4, 1869, by the Rev. Dr. Lindsley of Portland, Oregon, assisted by the Rev. William Aitken of the Pandora Street Church (First Presbyterian). The architect of the building was Mr. Herman O. Tiedeman; the contractors, Messrs. Hayward and Jenkinson; its cost about \$11,000. The Rev. Mr. Somerville remained pastor until 1870. Following him was the Rev. S. McGregor, M. A., until 1881; then the Rev. R. Stephen, M. A., until May, 1887; after an interregnum of nine months the Rev. P. McF. McLeod of the Central Church, Toronto, was called to St. Andrew's and inducted in March, 1888. Under Mr. McLeod's ministry the congregation soon outgrew the existing building and in 1890 a new and beautiful structure—the St. Andrew's of to-day—was completed and opened for public worship. Soon financial and other difficulties led to the formation of a new congregation, with the Rev. Mr. McLeod at their head, known as the Central Church. On this separation, which occurred in 1893, the Rev. W. Leslie Clay of Moose Jaw, was after some delay chosen as Mr. McLeod's successor in St. Andrew's. He was inducted June 21, 1894.

<sup>9</sup> *British Columbian*, April 11, 1863.



While the Rev. Mr. McGregor laboured in Victoria he kept the needs of the Province constantly before the colonial committee of the Church of Scotland and succeeded in obtaining not only liberal grants in support of missionaries, but also the missionaries themselves. The Rev. William Clyde was sent to Nanaimo; the Rev. Mr. McElmon to Comox; the Rev. Alexander Dunn to Langley; the Rev. Mr. Murray to Nicola; and the Rev. A. R. Nicholson to Victoria District.

After five years service in Nanaimo, Mr. Clyde removed to the United States. His successor, the Rev. A. H. Anderson remained until 1886, when he was sent as a missionary to British Guiana. Nanaimo was then without a resident Presbyterian minister for about a year, until the Rev. J. Miller arrived and took up the work.

The Rev. Mr. McElmon laboured for five years in Comox, and, upon his departure for Washington Territory, had the satisfaction of leaving a well-organized congregation and a comfortable church to bear witness to his faithful ministrations. The Rev. James Christie then took charge. Upon the separation of Nanaimo and Wellington, in 1887, Mr. Christie removed to the latter place.

The Rev. Mr. Murray, like the Methodist and Episcopal clergymen stationed in the same locality, had an immense field entrusted to him. It reached from the Cascades to the Rockies and from the 49th parallel to Cariboo. It is not surprising that after some years of unremitting missionary work he accepted a call to New Glasgow and returned to Nova Scotia. The Rev. J. Chisholm was appointed in 1885 to take up the work, which included not only the scattered settlers but also the vast army of men then employed in railway construction.

The Rev. Mr. Nicholson continued his ministrations in Victoria District until August 1, 1876, when he became the first Principal of Victoria High School. In 1878 he resigned that position and returned to eastern Canada.

During the ten years following the secession of St. Andrew's congregation the First Presbyterian Church depended upon the mainland entirely for its supply. The Rev. Mr. Jamieson, the pastor of St. Andrew's, New Westminster, visited Victoria every fortnight and held service in the pioneer Presbyterian church. In 1876 this unsatisfactory method of supplying the wants of Victoria was aban-

done, and the Rev. J. Reid appointed. With its own minister on the spot the interest in the church revived, and when five years later Mr. Reid returned to England, he left behind him a live and vigorous congregation. His successor Rev. Mr. Smith only remained for about a year. The next pastor of the First Presbyterian Church, the Rev. Daniel Gamble was only an acting incumbent. At the end of a year he was succeeded by the Rev. Donald Fraser. Under his energetic guidance the church grew by leaps and bounds, not only spiritually but also materially. The incubus of debt which had gathered during the lean days was liquidated; the church became self-sustaining; more than that, it became a potent factor for good in the land. In the midst of this progress the Rev. Mr. Fraser's health failed; the strain of the work bore down his weak constitution. He died in July, 1891, deeply lamented not only by his own congregation, but also by the whole people. His death was a distinct loss to Presbyterianism in this land. His successor was the Rev. Dr. Campbell, M. A., Ph. D., of Owen Sound, Ontario, who was inducted in 1892.

In March, 1862, the Rev. Robert Jamieson, missionary to British Columbia under the auspices of the Canada Presbyterian Church, arrived at New Westminster. He preached for the first time in that colony on Sunday, March 16, 1862. On that occasion, at the request of the Rev. E. White, the Methodist missionary, he occupied the pulpit of the Methodist church.<sup>10</sup> Receiving an address of welcome signed by some eighty Presbyterians, he at once set to work to organize a congregation. For over a year from March 23rd the Presbyterians held their services in the court house. To the Presbyterian, as he had already to the Methodist and the Anglican churches, Governor Douglas made a free grant of a site for a church and a manse. The public took up the work of clearing the lot, a "bee" was held and soon the manse was erected. A suitable church edifice was Mr. Jamieson's next desire. With indomitable energy he faced that task, and had the satisfaction of seeing the first Presbyterian church on the mainland—St. Andrew's, New Westminster—rise amid the charred logs and blackened stumps which covered the townsite. This church was opened for public worship on December 20, 1863. The pulpit design was by Messrs. Wright

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<sup>10</sup> *British Columbian*, March 20, 1862.

and Sanders of Victoria; the workmanship thereof by Henry Bruce, late of the Royal Engineers.<sup>11</sup>

The Rev. Mr. Jamieson ministered in this church until the arrival of Rev. Daniel Duff, in July, 1864. He then removed to Nanaimo, while the new arrival took the duties of the church at New Westminster and of several outlying stations. The Rev. Mr. Duff made a trip to Cariboo in the fall of 1864.<sup>12</sup>

Upon the shoulders of the Rev. Mr. Jamieson fell the task of organizing the church at Nanaimo. Here, too, the old court house served as a place of worship until 1866. In that year St. Andrew's, Nanaimo, was built. The Rev. Mr. Jamieson remained in charge of this church until 1869, when he resigned and returned to New Westminster. The vacancy at Nanaimo was filled by the appointment of the Rev. William Aitken. He was succeeded by Rev. William Clyde. Resuming his work at New Westminster, the Rev. Mr. Jamieson continued his most acceptable ministrations to a congregation until, after more than twenty-two years of continuous labour in the colony, he retired, owing to ill-health, in May, 1884. His death occurred in 1893. Upon Mr. Jamieson's resignation the charge of St. Andrew's Church, New Westminster, was, after a slight delay, placed in the hands of the Rev. J. J. McKay, but in 1885, owing to ill-health, he retired. The pulpit of St. Andrew's was then taken by the Rev. Thomas Scouler. Succeeding him came the Rev. A. E. Vert. When Mr. Vert resigned a certain portion of the congregation of St. Andrew's formed a new church, now known as St. Stephen's. The Rev. J. S. Henderson was selected to fill the vacancy in St. Andrew's. He was inducted in September, 1903.<sup>13</sup> Under his ministrations the congregation of this church has grown steadily, as year after year his good work has continued to bear fruit.

During the Rev. Mr. Jamieson's residence at New Westminster he gave such supply as he could to neighbouring places—Granville, Moodyville, North Arm of Fraser River, and Langley. The arrival of the Rev. Mr. Dunn relieved him of the latter.

But with the determination to carry the railroad to Coal Harbour (Vancouver) and the consequent large increase of population in that vicinity, which was even then anticipated, a resident min-

<sup>11</sup> *British Columbian*, December 19, 1863; April 27, 1864.

<sup>12</sup> *Id.*, July 27, 1864; October 22, 1864.

<sup>13</sup> *The Province*, February 13, 1909.

ister became a necessity. In the spring of 1885 the Rev. T. G. Thompson, formerly of Brucefield, Ontario, was selected to take charge in that vicinity. His district was called Granville and North Arm. This was the transformation period; Granville was disappearing, and Vancouver was rising into view. A neat and comfortable church was built early in 1886, but in common with the remainder of the incipient city it was destroyed by the fire of June 13, 1886.<sup>14</sup> A larger First Presbyterian Church was at once constructed, but the rapid growth of Vancouver soon made necessary a second church. Accordingly, on September 20, 1888, St. Andrew's Presbyterian Church was organized, with the Rev. E. D. McLaren, D. D., as its first minister. He was succeeded by the present incumbent, the Rev. R. J. Wilson.<sup>15</sup> The Rev. Dr. McLaren soon took over the fast increasing work of the First Presbyterian Church, where he has remained ever since, successfully ministering to a vast congregation. Presbyterian churches soon showed in every part of the city and its suburbs. In 1903 St. John's Presbyterian Church was founded; the Rev. Robert Laird was inducted as the first pastor on September 2, 1903. He resigned in January, 1906, and was succeeded by the Rev. A. J. McGillivray. On July 23, 1906, the Rev. E. D. McLaren, D. D., laid the corner-stone of the new and magnificent St. John's, which was dedicated on October 6th, following. In August, 1911, the present pastor, the Rev. E. Leslie Pidgeon, was inducted.

Even this outline of Presbyterianism in the early days would be incomplete without a somewhat extended reference to the Rev. Alexander Dunn. The Rev. Mr. Duff and the Rev. Mr. Jamieson had attempted to carry on the work at various points in the Fraser valley, besides attending to their services in New Westminster. Such spasmodic ministrations were continued until October, 1875, when the Rev. Mr. Dunn arrived. He at once took charge of the whole Fraser valley, making his headquarters at Langley. His first service at Maple Ridge was held in the house of John McIvor; but very soon an agreement was made whereby the Presbyterian services (which were held once in three weeks) took place in the Methodist church there. The Rev. Mr. Dunn was kept

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<sup>14</sup> *The Province*, February 13, 1909.

<sup>15</sup> *The Province*, September 5, 1913.



very busy; in boats and canoes, on foot and on horse-back he travelled the Fraser valley, enduring all the privations which fall to the lot of the pioneer missionary. His preaching places included Fort Langley, Langley Prairie, Mud Bay, Maple Ridge, and Boundary Bay or Delta. At the latter place was built in 1881 and consecrated September 25th, St. Stephen's Church, the third Presbyterian church on the mainland. Mr. John McKee was very prominent in this work and it was largely through his efforts that the building, which cost over \$900, was opened free of debt. The services on that occasion were conducted by the Rev. Robert Stephen of St. Andrew's, Victoria. For twenty-two years the Rev. Mr. Dunn ministered to the people of the Fraser valley, particularly, as the country developed, in the vicinity of Langley and Maple Ridge. A brick church was built at Haney in 1888, a church at Lillooet in 1908, a church at Albion in June, 1910, and one at Port Hammond in September, 1910.

The first Presbytery of Columbia was convened in St. Andrew's Church, New Westminster, on 3rd August, 1886, with the pioneer missionary, the Rev. Robert Jamieson, moderator and the following members: Revs. Donald Fraser, T. G. Thompson, D. McRae, J. Chisholm, S. J. Taylor, J. A. Jaffray, and Alexander Dunn; Alexander McDougall, Walter Clark, and Fitzgerald McCleery, elders. Their first report showed nine ministers and forty-five churches and preaching places.<sup>16</sup> In 1887 the existing Presbytery of Columbia was divided into three: Kamloops, Westminster, and Vancouver Island. The Kootenay region was attached to the Presbytery of Calgary.

In 1892 the report showed in the Presbytery of Columbia alone twenty-three ministers, sixty-nine churches and preaching stations, and 2,168 communicants. The census of 1901 gives the number of Presbyterians as thirty-four thousand and eighty-one.

We have repeatedly mentioned the Rev. Edward Cridge in the foregoing pages, but it is now necessary to say a few words in reference to the organization of the REFORMED EPISCOPAL CHURCH in this province with which the name of Dean Cridge, or Bishop Cridge is inseparably connected. It is a painful subject; as indeed is every dispute between members of the same communion

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<sup>16</sup> *The Province*, February 13, 1909.

when it reaches to the point of secession. There are some who would endeavor to make it appear that the dispute between Bishop Hills and Dean Cridge arose from their inability to work together, owing to the independent attitude of the Dean and the dominating attitude of the Bishop. The Bishop arrived in 1860, and the schism did not occur till 1874. The dates seem a complete answer to that position. Whatever may have been their misunderstandings and disagreements, there is no doubt that the sermon preached in the Cathedral by Archdeacon Reece, against which Dean Cridge openly, then and there, protested, brought about the final separation.

With the widening of the breach the Bishop preferred charges against the Dean for infraction of church rules, and the trial took place before an ecclesiastical court which held its sittings in the First Presbyterian Church, then without a pastor. From the ecclesiastical court the trouble found its way into the law courts, which sustained the position taken by the Bishop. When Dean Cridge withdrew from communion with the Anglican body many of the officers and congregation of Christ Church seceded with him. Their services were held in the First Presbyterian Church.

On July 16, 1876, the Rev. Mr. Cridge was consecrated Bishop at Ottawa during a general council held at that place and assigned to the Episcopal jurisdiction of the Pacific Coast. In the meantime, viz., on October 28, 1874, the Church of Our Lord, Reformed Episcopal, had been organized. Sir James Douglas donated a site, and gifts of money came from him, from Senator Macdonald, and many others. The present edifice was opened for service in January, 1876. Amongst the pastors of this church may be mentioned, the Rev. John B. Chantrell, the Rev. Dr. Wilson, and the Rev. Henry J. Wood.

A Reformed Episcopal church was planted in New Westminster in 1883, the Rev. G. B. Allen being the first rector. During the first year services were held in the Court House. St. Paul's Church was soon erected and dedicated by the Right Reverend Bishop Cridge. It was enlarged from time to time to meet the wants of a growing congregation. In 1891 the Rev. John Reid, D. D., took charge and continued until 1899, when he was succeeded by the Rev. F. F. Reynolds. The original St. Paul's was destroyed in the great fire of September, 1898, but, by June, 1899, the new and enlarged

St. Paul's had arisen in its stead. In 1901, owing to ill health, the Rev. Mr. Reynolds resigned and the Rev. W. Miler Magrath became rector.<sup>17</sup> The Rev. A. DeB. Owen was the next rector. He was succeeded by the present incumbent, the Rev. C. E. Wincott.

THE BAPTIST denomination was late in establishing itself in British Columbia. The First Baptist Church was organized in Victoria in May, 1876, by the Rev. William Carnes. The church was erected in January, 1877, at a cost of over \$6,000. The Rev. J. W. Beaven was pastor in 1882. Two years later the congregation dissolved. It was soon re-organized as Calvary Church under the Rev. Walter Barss. The Rev. M. L. Rugg was pastor from 1887 to 1894; the Rev. J. E. Coombs, from 1894 to 1897; the latter was succeeded by the Rev. Thomas Baldwin.

Emanuel Church at Spring Ridge was formed in 1886. For some years it was supplied from Calvary Church. Amongst those who laboured in this church at the beginning were the Rev. P. H. McEwen and the Rev. C. W. Townsend.

The pioneer Baptist church on the mainland was Olivet Baptist Church at New Westminster, which was organized in 1880. For six years no minister was in residence. Finally in 1886 the Rev. Robert Lennie became pastor. When he retired in 1889 he was succeeded by the Rev. Thomas Baldwin. The Rev. Mr. Baldwin, who, coming in 1891, remained until he, in 1894, removed to Victoria. During his pastorate an imposing brick church was erected at a cost of \$12,000. The Rev. J. H. Best then became pastor, and remained until 1897, when he was succeeded by the Rev. P. H. McEwen. When Mr. McEwen resigned in 1901 he was succeeded by the Rev. I. G. Matthews, who remained until 1903. The church building was destroyed in the fire of September 10, 1898. As a result the location was changed to one more central and a neat and attractive building erected.<sup>18</sup>

The First Baptist Church of Vancouver was organized on March 16, 1887. The officiating minister was the Rev. J. W. Daniels, assisted by the Rev. Robert Lennie. Of the fourteen charter members there still remain in Vancouver, Messrs. J. H. Carlisle, E. J. Peck, and H. A. Morgan, and Mesdames Mary E. Peck, J. Alcock, and

<sup>17</sup> *British Columbian*, Special Edition, December, 1903.

<sup>18</sup> *British Columbian*, Special Edition, December, 1903.

N. Evans. On the resignation of the Rev. Mr. Daniels the Rev. J. B. Kennedy became pastor. He remained in office from 1887 to 1889. During his pastorate a new church was built at the corner of Dunsmuir and Hamilton streets at a cost of \$12,000. From September, 1890, until October, 1894, the Rev. W. C. Weir was in charge. When he took office the membership was ninety-three, but under his careful ministrations it increased to two hundred and fifty. In June, 1895, the Rev. W. T. Stackhouse, D. D., entered upon his duties as pastor of the church. After a successful pastorate of nearly four years he was succeeded in May, 1899, by the Rev. W. B. Hinson. This reverend gentleman, however, was soon compelled, owing to ill-health, to resign the charge, to the great regret of the congregation. His successor was the Rev. Roland D. Grant, D. D., who besides being a pulpit orator of the first rank, was a lecturer of international reputation. The Rev. Dr. Grant continued in charge from September, 1900, till December, 1903. After an interval of nearly a year the Rev. J. W. Litch assumed the charge. For about three years he remained in office. His successor the present pastor entered upon his duties in July, 1909. The church had by this time far outgrown the seating capacity of the existing structure. The corner-stone of a new and more grand and spacious church was laid on April 20, 1910, and the building was completed and opened for worship on June 9, 1911. The new First Baptist Church is perhaps the largest and finest in the city of Vancouver. It is built of stone, is thoroughly modern in every way; and has a seating capacity of eighteen hundred persons. Its total cost, including the organ, was \$150,000. The present membership is nine hundred and fifty.

Under the fostering care of the mother church there have been brought into existence in the city of Vancouver, Jackson Avenue Church, organized on January 30, 1894; Mount Pleasant Church, organized May 22, 1891; Central Baptist Church, of which the first pastor was the Rev. P. C. Parker; Fairview Church, organized in December, 1905, with the Rev. P. H. McEwen as its first pastor; Grandview Church, organized in August, 1908, with the Rev. D. Ling as its pastor; North Arm Church, organized on September 1, 1909, and placed in charge of the Rev. W. Redmond.<sup>19</sup>

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<sup>19</sup> Records of Vancouver Baptist Churches compiled, specially for this work, by Mr. C. E. Schooley.



Nanaimo was the next city in which a Baptist congregation was organized. In 1890 the Rev. C. H. Bantam established the first Baptist church in that city, and erected the first building at a cost of \$4,000. When he was transferred to Vancouver in 1892 he was succeeded by the Rev. Dr. Good.

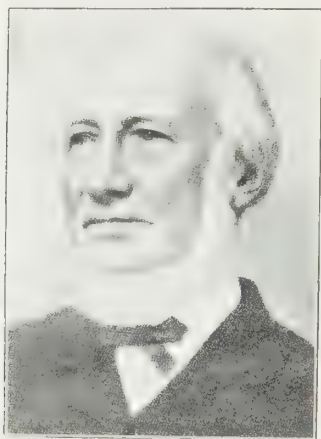
The census of 1891 gave the Baptist population of the province as three thousand and ninety-eight. In that of 1901 the figures given are six thousand, four hundred and seventy-one.

In 1906 the Baptist denomination founded at Summerland, in the sunny Okanagan, an institution for the higher education of young men and women, known as Okanagan College. The buildings consist of three, the college building, known as Ritchie Hall, the gymnasium, and the young ladies' residence. Students of any shade of religious belief or attachments are admitted and no religious tests are exacted. At present (1913) the staff numbers fourteen.<sup>20</sup>

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<sup>20</sup> *Vernon News*, Christmas Edition, 1912.

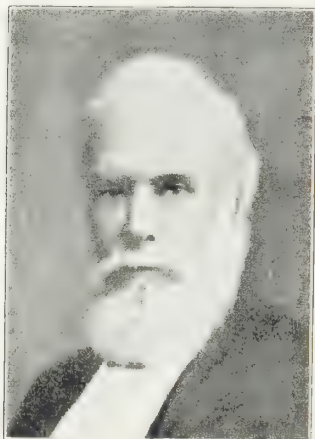




DAVID CAMERON  
(1853-65)



JOSEPH NEEDHAM  
(1865-70)



SIR MATTHEW BAILLIE BEGBIE  
(1870-94)



THEODORE DAVIE  
(1895-98)



ANGUS JOHN McCOLL  
(1898-1902)



GORDON HUNTER  
(1902)

CHIEF JUSTICES OF VANCOUVER ISLAND AND BRITISH COLUMBIA

## CHAPTER XXXVII

### BENCH AND BAR

When the colony of Vancouver Island was formed in 1849 the old Acts of George III and George IV whereby the courts of Upper Canada had jurisdiction were repealed so far as concerned anything occurring in the new colony.<sup>1</sup> From that time until March, 1853, all disputes were settled by the Governor. Before the colony was formed Sir John Pelly had submitted to Earl Grey as suitable persons to be appointed Justices of the Peace the following: Rev. Robert J. Staines, Peter Skene Ogden, James Douglas, John Work, Archibald McKinlay, William F. Tolmie, James M. Yale, Alexander C. Anderson, Richard Grant, John Tod, Donald Manson, George T. Allan, John Kennedy, and Dugald McTavish.<sup>2</sup> Although Earl Grey stated that they would be severally appointed, the matter seems to have been overlooked; Governor Blanshard informed the Parliamentary Committee in 1857 that during his tenure of office he administered justice. This, he explained, was not of choice, but through necessity, as there were no colonial funds with which to pay a recorder's salary.<sup>3</sup> The disputes for adjudication were almost entirely between the Hudson's Bay Company or the Puget Sound Agricultural Company and their respective servants. An exception occurred when charges were laid against the master of the *Cadboro* and Chief Factor Douglas, the former for sailing without a proper register, the latter for unlawfully signing the register. Governor Blanshard summoned both officials before him and, having pointed out their iniquity, bound them over to appear for sentence when required. Having no prison, no peace officers, and no funds except what the Hudson's Bay Company sup-

<sup>1</sup> 1871, Appendix to Revised Statutes, No. 29; and see appendix hereto.

<sup>2</sup> September 13, 1848, in Vancouver Island Papers, March 7, 1849.

<sup>3</sup> Hudson's Bay Company Report, 1857, p. 290.



plied—they paid for his commission, his travelling expenses from England, and his law books<sup>4</sup>—the Governor would have had difficulty in enforcing any order. This was only one of the many anomalies arising out of that strange arrangement.

His successor, Governor Douglas, continued the custom, but as the demands upon his time became more numerous, he, in March, 1853, appointed Edward E. Langford, Thomas J. Skinner and John S. Helmcken, Justices of the Peace. They were to hold Petty Sessions on the first Thursday of every month, and General Sessions four times a year. Here is the commencement of courts in this province—the separation of the judicial from the executive functions. To this body were referred those petty disputes, civil and criminal, ordinarily cognizable by a justice's court. But the magistrates did not, in the Governor's opinion, act properly. One Webster, whom the Governor describes as "an American adventurer who was striving to secure a monopoly of the timber exports from Sooke District," after having greatly hampered the work of the Muir family there, took steps against them in the justice's court for damages and the defendants were condemned to pay \$2,213 and costs of suit.<sup>5</sup>

This impressed upon the Governor the necessity of limiting the jurisdiction of the justices to matters strictly within their province and forced him to consider the formation of a higher court where important cases might be carefully heard and investigated. Such cases were, of course, exceedingly rare. Nevertheless, a colony without a superior court would be an anomaly. While deliberating on the subject, Douglas appointed his brother-in-law, David Cameron, as a Justice of the Peace, charging him to see that all proceedings were properly conducted. "Strange as it may appear," reports Douglas, "after that addition to the bench, Mr. Webster decamped and has never returned to the colony."<sup>6</sup>

The plan, ultimately adopted by the Governor-in-Council on September 20 and 23, 1853, and carried into force by their act on December 2nd following, provided for the creation of a Supreme Court of Civil Justice with jurisdiction over the colony of Van-

<sup>4</sup> Vancouver Island Papers, December 23, 1852.

<sup>5</sup> Vancouver Island Papers, July 25, 1863, p. 39.

<sup>6</sup> Id.

couver Island in all matters of law and equity where the amount in dispute exceeded £50 sterling. David Cameron was appointed Judge at a yearly salary of £100, which was appropriated out of the proceeds of the licenses upon ale-houses.<sup>7</sup>

We have here the beginning of the first Supreme Court west of the Rockies and it is desirable to sketch at some length the career of our first Judge and first Chief Justice. David Cameron was born in Perth, Scotland, in 1804, and began life as a cloth merchant there before he was twenty years of age. For two or three years all went well, but a loose system of credit, combined with a youthful optimism, wrought havoc with his capital and he was forced to compromise with his creditors. Having adjusted these difficulties, Mr. Cameron emigrated to Demerara in 1830 and began life anew as an overseer of a sugar plantation. In 1838 he became the owner of a small property on the Essequibo River. Owing to the emancipation there were difficulties in adjusting labourers and employers to the new state of affairs, and conditions were unsteady and fickle; serious losses fell upon many. Amongst the unfortunates was Mr. Cameron; after a vain struggle, he surrendered his property to his creditors. A relative having promised to devise some property if a legal discharge from his liabilities were obtained, Mr. Cameron, in January, 1851, filed a petition to be adjudged insolvent, and on April 28th, the Supreme Court of Demerara granted him a full discharge. At that time he was managing a sugar plantation, having a good income and every comfort consistent with the position. This fact is mentioned merely to show that his creditors, who were aware of it and consenting to the application, were satisfied that ill-fortune alone was responsible for his losses. Two years later Mr. A. Colville, the Governor of the Hudson's Bay Company, offered him an appointment at £150 per annum as superintendent of the coal mines just opened at Nanaimo.<sup>8</sup> His wife's failing health and the necessity of placing her in a more temperate climate moved him to accept the offer and, in July, 1853, he and his family reached Vancouver Island.<sup>9</sup>

His advancement was rapid. In September, 1853, he became one of the Justices of the Peace; in December, 1853, he became the

<sup>7</sup> James Cooper's Evidence in H. B. Co. Report, 1857, p. 193.

<sup>8</sup> J. Cooper's Evidence in H. B. Co. Report, 1857, p. 193.

<sup>9</sup> Vancouver Island Papers, July 25, 1863, pp. 9, 33, 40.

Judge of the Supreme Court; it was claimed by many that his connection with the Governor accounted for this rapid rise. Certainly it was not his knowledge of law.

When he was appointed a petition was sent to the Queen requesting a strict enquiry into the circumstances under which the court had been created and the appointment made. Vancouver Island was no exception to the rule that the smaller the community the keener and more bitter the factional discord. After a delay of about two years, during which correspondence went on between Downing Street and Vancouver Island and petitions and counter-petitions were circulated and presented,<sup>10</sup> an Order-in-Council was passed by Her Majesty to establish a Supreme Court of Civil Justice in accordance with the act of the Council already mentioned. By royal warrant dated May 5, 1856, Governor Douglas was authorized to pass letters patent to David Cameron to be Chief Justice of the colony of Vancouver Island. Criminal jurisdiction was not included. As regards that branch, Mr. Cameron stood as one of the magistrates. The Secretary for the Colonies pointed out that the Legislature which was about to be established would be able to confer criminal jurisdiction, if and when, required. Chief Justice Cameron continued to combine his judicial and clerical duties. When the Governor brought to the attention of the Colonial office the question of suitable remuneration for Chief Justice Cameron, they referred it to the Hudson's Bay Company, who in turn referred it to the Legislative Assembly. The salary ultimately attached to the office was £800 per annum.

Amongst the anomalous conditions on Vancouver Island was that of a bench without a bar. This prevailed until the gold excitement of 1858. And of course on the unorganized mainland there was neither bench nor bar. The courts of Upper Canada had jurisdiction there under the old statutes of George III and George IV.

The first legal advertisement appeared in July, 1858, and ran as follows:

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<sup>10</sup> Vancouver Island Papers, pp. 40, 43, 44, 45.

JOSHUA HOWARD

(Late of Botetourt County, State of Virginia,)

Attorney and Counsellor at Law.

Copeland's Buildings,

Victoria.

 Advice in Law, to the poor, gratis.<sup>11</sup>

This gentleman, the first person to practice law in the colony of Vancouver Island, was a negro. He does not appear to have met with much success. One evening in August, '58, while strolling home he found the police taking a drunken man to gaol. The usual crowd had gathered, and, seeing a chance to make himself important, he began to ask questions and do a great deal of talking. In the end the police arrested him for interfering with them in the discharge of their duties. Mr. Augustus F. Pemberton, who had been appointed Police Commissioner early in 1858, was about to dismiss the case, when Mr. Howard, unable to resist the desire to talk, addressed the Court saying that he knew the law and how to keep within it, and could teach the police their duties, etc., etc. Another witness then came forward and gave evidence that Howard had laid his hand upon the prisoner and that he conducted himself as if he designed to effect a rescue. Whereupon the magistrate imposed a fine of £5.<sup>12</sup> Thus was the old adage fulfilled. So far as can be ascertained this was the only case in which Mr. Howard appeared, professionally, in court.

A case occurred in August, 1858, which shows the energetic manner in which Governor Douglas was prepared to deal with offenders. A person under arrest for some minor offence was rescued from the sheriff in Victoria by a crowd of sympathizers and in the melee the officer was roughly handled. "Strolling about the canvas streets of Victoria might be seen men whose names were in the black book of the Vigilance Committee of San Francisco, and whose necks would not, if they ventured them in that city have been worth an hour's purchase." The police force consisted of about a dozen inexperienced men. The Governor thought it wise to show these lawless spirits that the police would be supported. He ordered H. M. S. *Plumper*, then at Esquimalt, to proceed to Victoria. On arrival

<sup>11</sup> *Victoria Gazette*, July 22, 1858.<sup>12</sup> *Victoria Gazette*, September 2, 1858.



an armed force was landed and marched to the fort. Then under the escort of one of the *Plumper's* boats the police made the capture of the guilty parties.<sup>13</sup> Thus Douglas made it plain that the law would be enforced at any cost and that the naval and military forces were at his disposal for that purpose. The beneficial effect upon that turbulent element can scarcely be over-estimated.

With the miners came the lawyers. Amongst the earliest was George Parkes, afterwards, for a short time, Crown Solicitor of Vancouver Island. He arrived late in July, 1858. In August, Governor Douglas appointed him a Notary Public, the first on Vancouver Island. He accompanied the Governor on his tour to the Fraser River mines in September, 1858, and was one of the Commission which tried William King for murder—the first criminal trial in British Columbia.<sup>14</sup> He also held a court at Yale about the same time.

Duels are very rare on British soil, but in September, 1858, one occurred in Victoria. Two Americans, John Collins and "Tip, the Boatman," whose real name was William Morris, had a misunderstanding at the cricket ground on Beacon Hill. It developed into a heated quarrel in which Morris struck the other in the face. A challenge to fight a duel with pistols at once resulted. The combatants met later in the afternoon at the fort and proceeded as far as Vancouver street near the Kanaka road. Collins said that was far enough and they would fight it out there. Those who were with them endeavored to dissuade them, but the principals were determined to fight out the quarrel with pistols. Three shots were exchanged. At the third, Collins fell, mortally wounded. He died that night. Morris fled the country, arriving at Port Townsend the next day. Thence he went to San Francisco. The last reports of him show that he was, in December, arrested for complicity in the robbery of the Nevada stage, and while in confinement in California was also charged with murder.<sup>15</sup> Such in rough outline was the first and only duel ever fought in British Columbia. The reader who prefers the story embellished beyond recognition will find it in Mr. D. W. Higgins' book, "The Mystic Spring."

<sup>13</sup> Mayne, *British Columbia and Vancouver Island*, pp. 52-3; *Victoria Gazette*, August 3, 4, 1858.

<sup>14</sup> See Ante, p. 37; *Victoria Gazette*, September 28, 1858.

<sup>15</sup> *Victoria Gazette*, September 14, 15, December 15, 20, 1858.

In October, 1858, the bar of Vancouver Island—neither bench nor bar yet existed on the mainland—consisted of but one person, Mr. George Pearkes. Mr. John Nugent, the American Commissioner, requested the Governor to allow members of the American bar to appear in the courts, but without obtaining any general order to that effect.<sup>16</sup> However, when a week later, a negro was on trial for attempt to murder, an American counsel was allowed to act as his friend and adviser. During that month, Mr. Thomas G. Williams was appointed Registrar of the Supreme Court of Civil Justice of Vancouver Island.<sup>17</sup>

About this time the Governor required the police of Vancouver Island, which included several Americans, to take the oath of allegiance to the Queen. In consequence, some resigned.<sup>18</sup>

In November, 1858, the rules of practice and the forms of procedure to be used in the Supreme Court of Civil Justice of Vancouver Island were published by order of Chief Justice Cameron. This was the first book published on Vancouver Island, Waddington's "Fraser River Mines Vindicated" being the second.<sup>19</sup>

In December, 1858, the bar of Vancouver Island consisted of two persons—Mr. Pearkes and Mr. J. G. Barnston, who had just been admitted to practise.<sup>20</sup>

On the nomination of Sir Hugh M. C. Cairns (afterwards Lord Cairns), Sir E. B. Lytton, in September, 1858, appointed Matthew Baillie Begbie "a Judge in our Colony of British Columbia." He was the eldest son of Colonel T. S. Begbie of the 44th Foot. He was born in 1819 and educated at St. Peter's College, Cambridge, taking the degree of B. A. in 1841 and M. A. in 1844. In the latter year he was called to the bar at Lincoln's Inn. From that time until his appointment he practised his profession in England.<sup>21</sup> Upon his arrival he was at once sworn into office on November 19, 1858, at Langley. At the beginning he took up his residence in Victoria and in December the Governor issued a proclamation declaring valid and binding certain acts which as judge of British Columbia he might perform in the colony of Vancouver Island.<sup>22</sup>

<sup>16</sup> *Victoria Gazette*, October 9, 16, 1858.

<sup>17</sup> *Id.*, October 14, 1858.

<sup>18</sup> *Id.*, October 22, 1858.

<sup>19</sup> *Id.*, November 13, 1858; December 25, 1858.

<sup>20</sup> *Victoria Gazette*, December 25, 1858.

<sup>21</sup> *Biographical Dictionary*, p. 103.

<sup>22</sup> *Victoria Gazette*, December 25, 1858.

Judge Begbie immediately promulgated rules of court, adopting with modifications, those issued by Chief Justice Cameron. He declared that to be entitled to practise in the Court of British Columbia a person must have been called to the bar or admitted in the United Kingdom, or have taken the degree of Doctor of Laws in some British university, or have studied as a barrister or solicitor in British Columbia or Vancouver Island under such regulations as might be established. When we remember that practically the whole population of British Columbia had just come from California this was certainly drawing a very strict line. His next rule, after reciting that as a result of the former there was only one person in the two colonies entitled to practise (Mr. Barnston had not been admitted when the rules were prepared, though he was when they were promulgated), granted permission to persons of good repute, called or admitted in any other part of the British Dominions or in any of the United States, to practise as attorneys and solicitors in his court until June 30, 1859.<sup>23</sup> To this he added a rider that foreigners applying for this privilege must ask for naturalization as soon as they were entitled to do so, and further, that in no case should the number of foreigners on the roll exceed that of the British subjects thereon. As a matter of fact no foreigners were ever enrolled under this permission. "One cause for which," says the Governor, "may be assigned to the fact that the country has enjoyed a singular degree of quiet and almost an exemption from troublesome litigation."<sup>24</sup>

From his arrival in the colony in November, 1858, until the coming of George Hunter Cary, who in March, 1859, was appointed Attorney-General of British Columbia (and, later, of Vancouver Island), Judge Begbie by the direction of Sir E. B. Lytton performed the duties of Attorney-General.<sup>25</sup> All of Douglas's early proclamations were drawn by him.

And now the bar of the two colonies began to increase. Early in 1859 arrived Mr. (afterwards, Mr. Justice, and, later, Sir) Henry Pering Pellew Crease, a barrister of the Inner Temple, who had been admitted in 1849. Soon came Mr. Cary, the Attorney-General, and Mr. A. C. Elliott. Then followed Messrs. G. P. Wight, D. Babbington Ring, H. P. Walker, John Foster McCreight, Mon-

<sup>23</sup> *Victoria Gazette*, December 30, 1858.

<sup>24</sup> British Columbia Papers, Pt. 3, p. 25.

<sup>25</sup> British Columbia Papers, Pt. 1, p. 62.

tague William Tyrwhitt Drake, and Clement Francis Cornwall. On the resignation of Mr. G. H. Cary as Attorney-General of British Columbia, Mr. Crease was appointed his successor, in October, 1861.<sup>26</sup> With trained lawyers like these—and they include three who later became judges—the difficulties in the path of Mr. David Cameron, Chief Justice, were immense. In spite of his lack of professional training this gentleman had succeeded in a remarkable manner. Every record is clear on that point. We quote the following from an editorial in the *Puget Sound Herald*, published at Steilacoom in Washington Territory:<sup>27</sup> “We have formed a very favorable opinion of his ability, integrity, and purity. There seems to be a manifest desire on the part of the Judge to dispense Justice not only with rigidity and exactness, but with despatch. The manner in which Justice is meted out to parties litigant and all of the transactions of the tribunal are apparently very much at variance with the wholesale denunciations heaped upon the authorities of the colony by Mr. Special Commissioner John Nugent. We make these remarks on the principle of giving ‘honour to whom honour is due.’” And even the Rev. Matthew Macfie who bitterly denounced the “family compact” admits that though without legal training, our first Chief Justice exhibited prudence, firmness, and candour in his official decisions.<sup>28</sup> This relates especially to the ultimate decision. Where the Hon. Mr. Cameron found his great difficulty was in rulings during the course of a trial—rulings which must be made quickly and which require legal education and experience. It is said that these were oftentimes contradictory and were reversed and re-reversed as the trial progressed.

Criminal jurisdiction was granted to him by a commission dated April 2, 1860.

With the news of Cariboo and the rush of 1862 came lawyers, of course. Many were from Canada. On Vancouver Island the call was for a trained judge and in both colonies the cry was for the opening of the courts to lawyers from the British dominions, especially Canada. Mr. George Anthony Walkem (afterwards Mr. Justice Walkem) arrived in British Columbia in 1862. Being a colonial barrister—for, though born in Ireland, he was educated and

<sup>26</sup> *British Columbian*, October 10, 1861.

<sup>27</sup> February 11, 1859.

<sup>28</sup> Macfie, *Vancouver Island and British Columbia*, p. 314.



called to the bar in Lower, and afterwards in Upper, Canada—he was not entitled to practise. A petition, largely signed, was presented to Governor Douglas in February, 1863, asking him to permit Mr. Walkem to practise. This was refused.<sup>29</sup>

An episode of a most unusual character occurred in December, 1862. At the assizes in New Westminster a civil case which had attracted a great deal of public attention—Cranford vs. Wright—was set for trial. The counsel engaged were: For the plaintiff, Mr. Ring and Mr. McCreight; for the defendant, Mr. Cary and Mr. Walker. Cranford was a merchant operating a store at Barkerville and Wright—Gustavus Blin Wright—was one of the most prominent packers and traders. The action was for breach of a contract made in the spring of 1862, whereby Wright had agreed to carry the plaintiff's goods from Douglas to Lillooet for nine cents a pound. The allegations were that, instead of delivering these goods at Lillooet within ten or twelve days after their receipt at Douglas, as he had promised he would, he had delayed them and had taken from a month to seventy-five days to carry them over the distance; that he had given his own goods the preference and had carried them over much more quickly; and that in consequence none of the plaintiff's goods reached Cariboo until the market had fallen and many arrived at Lillooet so late that they could not be sent to Cariboo that year at all. The trial came on before Judge Begbie and a jury, and occupied eleven days. After the jury had deliberated some hours they were brought into the court room and asked if they had agreed upon a verdict. This was before the days of majority verdicts in civil matters. The foreman stated that he and seven others would have no difficulty in arriving at a decision; then another jurymen arose and on behalf of himself and three others asked for their discharge, saying the jury could never agree. Mr. Ring then requested the judge to ascertain whether there was any point of law or fact the elucidation of which might aid the jury in reaching unanimity. Mr. McCreight also urged the same course. Judge Begbie refused to do so, and discharged the jury. "Upon this Mr. Ring, addressing the registrar said: 'Mr. Mathew, have you the book in court which contains the names of the barristers entitled to practise in this court?' Mr. Mathew, 'Yes.' Mr. Ring, 'Then

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<sup>29</sup> *British Columbian*, February 11, 1863.

please *dash your pen across my name.*' Mr. McCreight also made a similar demand. Both these gentlemen then indignantly withdrew from the court which was adjourned amidst considerable confusion and much excitement.<sup>30 30</sup>

On the following evening a public meeting was held and a congratulatory address presented to Messrs. Ring and McCreight for their manly course in thus sacrificing their income to their duty. This action left but the Attorney-General and two other barristers—Mr. Barnston and Mr. Walker—in the whole colony of British Columbia.<sup>31</sup> The other lawyers on Vancouver Island had not applied for admission to practise in the court of the mainland colony.

At that assizes the bench and the press also came into collision. The *British Columbian*, edited by that fearless champion of the people's rights, the late Hon. John Robson, had in its issue of November 22, 1862, published a letter signed "A" (the writer of which is now known to have been the Rev. Arthur Browning), in which it was suggested that Judge Begbie had accepted a gift of twenty acres of land at Cottonwood from Dud Moreland and later reversed the magistrate's order and directed a certificate of improvements to be issued to Moreland for the whole quarter section. When the assizes opened, the judge summoned Mr. Robson and after explaining the whole transaction called upon him to show why he should not be committed to prison for contempt of court. Mr. Robson stated that he was not aware of the facts and his informant was not then accessible and if the implied charge were untrue he regretted having published it. The judge thought that the use of the word "if" suggested a doubt as to the correctness of the explanation he had already given and stated that the editor was thereby merely aggravating the offence.<sup>32</sup> Mr. Robson having answered that in view of his imperfect knowledge he could only offer a conditional and qualified apology, was placed in custody for contempt. A public meeting was at once held at which resolutions supporting the editor and condemning the judge were passed, and the Hon. Malcolm Cameron was asked to demand from the Imperial authorities an investigation into the land and other speculations of the public functionaries of

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<sup>30</sup> *British Columbian*, December 20, 1862.

<sup>31</sup> *British Columbian*, February 7, 1863.

<sup>32</sup> *British Columbian*, December 3, 1862.

British Columbia.<sup>33</sup> On breaking up, the meeting paraded to the gaol and gave cheers for the editor and groans for the judge. From his cell, Mr. Robson poured out his "Voice from the Dungeon." On December 5th, after being imprisoned for five days, having made one of those casuistical apologies, so frequent in libel actions, he was released.<sup>34</sup> The gist of his apology was that the judge having stated that he had paid ten shillings an acre for the twenty acres, the newspaper was in error in saying he had obtained the land as a gift and hence he apologized therefor. Later developments, including a letter from Dud Moreland himself, left considerable doubt as to the real nature of the transaction.<sup>35</sup>

On July 26, 1862, three travellers, David Sokolosky, H. Lewin, and Charles Rouchier, carrying some \$10,000 or \$12,000, were waylaid, murdered, and robbed five or six miles above the Forks of Quesnel. Suspicion fell upon three persons. There was no coroner, no magistrate, no peace officer in the vicinity. The people held a public meeting and appointed a coroner *ad hoc*, the Rev. Arthur Browning, and a jury of twelve to investigate the circumstances surrounding the deaths of these three men. The verdict went minutely into the details of the wounds each had received and concluded that the shots were fired by some person or persons unknown. The meeting then agreed to offer a reward of \$3,000 for the apprehension of the murderers; a subscription list was opened and \$750 raised as a nucleus of the promised reward. The warrant which was issued on that occasion was unique and deserves preservation. It ran thus:

"Whereas, a dreadful crime of robbery and murder of three of our most esteemed citizens has been committed in our midst;

"And whereas, there is no legally constituted authority here to whom we might apply for assistance in apprehending the murderers of H. Lewin, D. Sokolosky, and C. Rouchier;

"And whereas, the residents of the Forks of Quesnelle and vicinity have, at a public meeting held this day, duly authorized us, Arthur Browning and Samuel Goldstone, to issue this warrant, and to do any other act which a magistrate would do, if present;

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<sup>33</sup> *British Columbian*, December 6, 1862.

<sup>34</sup> *Id.*, December 10, 1862.

<sup>35</sup> *Id.*, January 31, 1863.

"Now, therefore, we, the undersigned, hereby appoint and empower Messrs. E. Griffin, Hankin Fordman, and Charles François to go in pursuit of, apprehend, arrest, and detain the supposed murderers, and to arrest and detain all suspicious persons and to deliver them up to the nearest magistrate.

"And we do hereby solicit all good men to whom these presents may come, greeting, to aid and assist the gentlemen therein named, and, if possible, bring the murderers to Justice.

"Given under our hands and seals this 26th day of July, A. D., 1862.

"Arthur Browning, Chairman.

"Samuel Goldstone, Secretary." <sup>36</sup>

With the formation of the colony of Vancouver Island came into existence two factions—those in favour of, and those opposed to the Hudson's Bay Company. Mr. E. E. Langford, although a bailiff of the Puget Sound Agricultural Company, soon became one of the leaders in the faction hostile to the company. He was a candidate for Victoria in the election of 1860. When the campaign was at its height a lampoon was circulated against him. To this, as was natural, he took exception, and after his defeat he began proceedings against Captain Edward H. King, its publisher, in the hope of ascertaining the author. As it was later suggested by Mr. Langford that the satirical handbill was composed by Judge Begbie, the following quotation, which well illustrates its style, is given. It may be premised that the document purported to be issued by Mr. Langford. It gave the following account of him: "I was brought out here at the expense of the Company; I was placed on the farm I now occupy, bought by the Company, stocked by the Company, improved by labour supplied by the Company entirely. In fact, I have not been put to a penny expense since my arrival in the Colony. The boots I wear and the mutton I and my family and guests eat have been wholly supplied at the expense of the Company; and I flatter myself that the Colonial reputation for hospitality as displayed by me at the expense of the Company, has not been allowed to fall into disrepute. I have given large entertainments, kept riding horses, and other means of amusement for myself and my guests; in fact, I may say

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<sup>36</sup> *British Columbian*, August 13, 1862.



that I and they have eaten, driven, and ridden the Company for several years, and a very useful animal it has proved, though its ears, gentlemen, are rather long. All this time I was and am the farm bailiff of the Puget Sound Company at wages of £60 (\$300) per annum and board, a position I value much too highly to vacate until I shall be kicked out of it. I have refused to render any account, any intelligible account, of my stewardship; in fact, I had kept no accounts that I or any one else could make head or tail of.”<sup>37</sup>

The trial came on before Chief Justice Cameron and a special jury of eight, on April 17, 1860, Mr. G. J. Wight for Langford, Mr. G. H. Cary for King. While under cross-examination Mr. Langford refused to answer questions relating to the auditing of his accounts and as to the books in which they were kept. In the end the Chief Justice committed him for contempt. After this turn his counsel was obliged to apply for a non-suit. Ultimately Langford was fined £10 and ordered to be imprisoned for twenty-four hours. The sheriff leniently allowed him to depart to his home after two or three hours' imprisonment and without receiving payment of the fine. When the Chief Justice learned of this dereliction of duty he ordered the sheriff to bring the body. Instead, the sheriff brought a letter from Langford, in which, after referring to the “vile and illegal proceedings,” he dared the judge to enforce his order. The latter nevertheless proceeded and adjudged him in contempt, but upon the intervention of his friends and knowing he had no means to pay a fine, merely held him on recognizance to appear for sentence. This kept him quiet until he left the colony temporarily in 1861.

But no sooner had he reached England than he began to bombard the Colonial office with complaints against Chief Justice Cameron, claiming that he was unfit for his high office. When the facts were known his complaints fell to the ground—the animus was too plain.

Judge Begbie then came under Langford's guns. He charged him with the authorship of the election squib. In December, 1862, the judge made a lengthy reply, in which he neither admitted nor denied the charge, and rather commended the fatherless document as being eminently fair and containing a plain statement of undenied and undeniable facts. In that letter he shows a very close knowl-

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<sup>37</sup> Vancouver Island Papers, July 25, 1863, pp. 23-24.

edge of the relations between Langford and the company, such as must have been possessed by the author of the election dodger. Its style points in the same direction. The opinion of Downing Street is shown by the Duke of Newcastle's despatch, April 23, 1863: "While, however, I have declined to pursue an enquiry into the authorship of the placard, complained of by Mr. Langford, I wish you to understand and to make it understood by the Government officers of Vancouver Island and British Columbia, that an officer connected with the administration of Justice is, in my opinion, bound to abstain scrupulously from all interference in party politics."

Who wrote the document?

Early in 1859, Governor Douglas placed here and there in the colony of British Columbia certain officials known as Stipendiary Magistrates, who also performed the duties of Assistant Gold Commissioners, Assistant Commissioners of Lands, Collectors of Revenue, and Coroners. The first appointees were:

Warner Reeve Spalding, New Westminster.....	£300 a year
Peter O'Reilly, Langley .....	250 a year
Thomas Elwyn, Lillooet .....	250 a year
Henry Maynard Ball, Lytton .....	250 a year
Edward Howard Sanders, Yale .....	350 a year

At the same time he also appointed Charles S. Nicol as High Sheriff of British Columbia and Arthur Thomas Bushby as Registrar of the Supreme Court.

All these persons brought letters of introduction from the Colonial office and yet, when the appointments were submitted for approval, that office cavilled.<sup>38</sup> Ultimately approval was obtained.

For the speedy collection of debts and claims not exceeding £50 Governor Douglas established in December, 1859, small debts courts to be presided over by the Stipendiary Magistrate.<sup>39</sup> In reporting the proclamation he stated that the whole business would be conducted by those already appointed with the single addition of Mr. A. C. Elliott, an English barrister—the only lawyer amongst them—whose salary of £200 a year would be paid by fees.<sup>40</sup>

<sup>38</sup> British Columbia Papers, Pt. 3, pp. 31, 100.

<sup>39</sup> Proclamation, December 10, 1859.

<sup>40</sup> British Columbia Papers, Pt. 3, p. 75.

The court record book of Fort Hope shows how the magistrates dealt out justice. Drunkenness was quite common, and the usual fine, when it was noticed at all, was one dollar; if, however, the person had been more than usually uproarious or incapable, the fine was doubled. The sale of liquor to Indians was severely punished. Judge Begbie frequently sat as an ordinary justice of the peace. One of his entries therein is as follows: "An Indian brought up for being drunk and disorderly on the evening of the 16th. Having been now locked up for forty hours (I had been absent the whole of the 17th at Yale at the trial of Sprague and Rhodes), he was cautioned that the next time he was brought up, or any other Indian, for being drunk, the hair of the offender would be cut off.—Discharged."<sup>41</sup> The judge kept his word. A few days later appears a very concise but stern entry in his handwriting, which runs thus: "An Indian charged with being drunk and disorderly; cut off his hair; fine one half dollar to the executioner; lock up for twenty-four hours, if not paid."<sup>42</sup> This unusual punishment is frequently recorded, especially in dealing with Indians, and was applied to male and female alike. A squaw found guilty of being drunk and disorderly and resisting arrest, was ordered as part of her punishment "to have her hair closely cut before being discharged."<sup>43</sup> An Indian charged with stealing \$120 from a house at night—burglary, in other words—having made restitution of a part of the stolen money, was ordered to be imprisoned for one month at hard labour and "to have his hair shaved off before being discharged."<sup>44</sup> A packer was charged with "having in his possession a certain quantity of goods (800 lbs.) at the Lake House, the road toll on which had not been paid." Under the law this was equivalent to smuggling. The charge being proved he was fined £5: "the goods to be sold in fourteen days from date, if the fine be not sooner paid."<sup>45</sup> He paid.

Owing to the great difficulty in procuring a sufficient number of British subjects as jurymen, Governor Douglas issued a proclamation authorizing foreigners to be summoned and to serve on all juries, and providing that in civil matters if the judge were satisfied

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<sup>41</sup> Hope, court record book, May 18, 1860.

<sup>42</sup> *Id.*, May 27, 1860.

<sup>43</sup> *Id.*, August 19, 1861.

<sup>44</sup> *Id.*, December 9, 1859.

<sup>45</sup> *Id.*, October 1, 1861.

that a complete jury could not be obtained without great inconvenience or expense, he might permit a jury of seven or any greater number to be empanelled. Jurymen being so scarce, no challenge except for cause was allowed.<sup>46</sup>

The number of these Magistrates was increased from time to time. Later appointees were Chartres Brew, Philip H. Nind, A. C. Elliott, J. B. Gaggin, and William G. Cox. The former had been originally the Chief Inspector of Police in British Columbia. He died in Cariboo in May, 1870. He is described by Judge Begbie as "a man imperturbable in courage and temper, endowed with a great and varied administrative capacity, a most ready wit, a most pure integrity, and a most human heart."

Mr. Elliott became Police Magistrate of Victoria and was subsequently the Premier of British Columbia from 1876 to 1878.

Mr. Cox was an Irishman, possessing to the full the genial and social qualities of the sons of Erin. It is told of him that while he was Stipendiary Magistrate—or "Judge" as these officials were commonly called—in Cariboo, one of his friends, a butcher, who was also an Irishman, was much complained against because of his failure to keep his pigs off the street. The "Judge" pondered over the matter and finally rose to the occasion. He secretly caused all these wandering swine to be driven into the court house, and then calling his friend, remonstrated with him upon the subject and expressed the strong conviction that animals which did not respect even the temple of justice must be kept in confinement. The nuisance ceased. Some of his decisions were unique. On one occasion two miners were disputing about the ownership of a claim. "Judge" Cox solemnly decided that on a certain day the two claimants should come to the court house and at his signal should run towards the disputed ground which should become the property of him who was the fleetest of foot. He retired in 1869. The latter days of his life were spent in California where his abilities as an artist enabled him to maintain himself. He died there in October, 1878.

Mr. Ball—"Judge" Ball—was a fine type of English gentleman. He possessed a great fund of sound common sense, albeit fond of a joke. On one occasion he was presiding at a trial by a jury. Having delivered his charge he retired to his chambers while the twelve "good men and true" wrestled with the question of "guilty" or "not

<sup>46</sup> Proclamation, March 8, 1860.



guilty." The argument in the jury room seems to have waxed warm for one of the jurors requested the sheriff to bring him a glass of water. The official applied to the judge for instructions. "Judge" Ball scratched his head, considered a while and finally replied: "Well, Mr. Sheriff, you know the law—the jury must be kept without food or drink." Then ruminatingly, as though speaking rather to himself than to the puzzled officer: "Water! Water! Well, it isn't food, that's sure, and I certainly would not call it drink. Let him have it, Mr. Sheriff."

When "Judge" O'Reilly went into the Kootenay diggings as the representative of law and order the reputation of the region was not of the best. Many of the miners were regarded as dangerous men, used to the license of the neighbouring territory, who carried arms and were apt to use them on slight provocation. His speech to them on his arrival is still preserved in the traditions of Wild Horse Creek: "Now, boys, there must be no shooting, for if there is shooting there will surely be hanging." And there was no shooting.

On this station, 1862-5, was H. M. Gunboat *Forward* in command of the Hon. Horace Douglas Lascelles, R. N. In May, 1863, this vessel was sent on a primitive expedition against the Lamalchis of Kuper Island. One village was destroyed and burned. After making his way up a small creek, Commander Lascelles found the Indians in great force and retired under their fire. The creek was so narrow that the *Forward* could not be turned and, of necessity, backed out. Mr. Allen, the editor of the *Victoria Evening Express*, made merry in its columns upon this incident, which he reported in a yellow journal style, and indulged in much raillery concerning "discretion." This angered the commander, who in a polite and courteous note, invited the editor on board the *Forward*. On his arrival he was welcomed by the officer and then put into confinement in the forecastle. A few hours later the *Forward* started out of Victoria harbour. Allen, not liking appearances, succeeded in evading his guards, jumped overboard and attempted to swim ashore. A boat was launched; he was rescued and brought aboard; a little later he was put on shore at Clover Point.<sup>47</sup> For this tyrannical conduct, the enraged editor brought an action, which excited great interest from its unusual circumstances and the high social standing of the

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<sup>47</sup> *British Columbian*, May 20, 1863.

defendant. The trial came on on November 23, 1863, before Chief Justice Cameron and a special jury. For the defence a number of seamen gave evidence that the little scheme was conceived entirely by themselves, and carried out without the knowledge of their commander. The jury, however, were not to be hoodwinked, and brought in, on the following day, a verdict for the plaintiff for \$1,000 damages,<sup>48</sup> scarcely enough, any one would say, for such an unjustifiable outrage. The Attorney-General of Vancouver Island, Mr. G. H. Cary, acted for the plaintiff. During the course of the trial, Mr. Cameron's unfitness to preside and decide questions of evidence and rule upon the small knotty points that constantly arise, was plainly apparent. Many altercations occurred between himself and Mr. Cary.

These scenes became more frequent and more heated until the Grand Jury took notice of them in the following passage: "The Grand Jury further respectfully presents that it views with indignation and alarm the frequent outrages on decorum that are committed with impunity by the bar in this Court, as the maintenance of the dignity of the bench is essential to the impartial administration of Justice."<sup>49</sup>

This condition could not continue. In August, 1864, Mr. Cary, whose health had been constantly failing, resigned the position of Attorney-General of Vancouver Island, and, in September, 1865, returned to England.<sup>50</sup> He was succeeded by Thomas Lett Wood, an English barrister, who had arrived a short time before, and who held the office until the union of the two colonies.

On March 11, 1864, the Legislative Assembly of Vancouver Island passed an Act to provide for the retirement of David Cameron, Chief Justice of the Colony of Vancouver Island and its Dependencies, whereby he was to receive a pension of £500. The Hon. Joseph Needham was selected as his successor. He arrived in the colony on September 30, 1865. Chief Justice Cameron resigned on October 11th and on the same date the new Chief Justice assumed office.

Both Vancouver Island and British Columbia were drawing largely upon Canada for population and yet their bars were closed

<sup>48</sup> Walbran, *British Columbia Place Names*, p. 301; Horetzky, *Canada on the Pacific*, 221-2; *Passing of a Race*, pp. 74-82; *British Columbian*, May 27, November 28, 1863.

<sup>49</sup> *British Columbian*, December 5, 30, 1863.

<sup>50</sup> *Id.*, September 20, 1865.

to all persons except those who had studied within their borders (which, of course, meant nothing) or were practitioners from the United Kingdom. In June, 1863, Governor Douglas issued a proclamation opening the bar of British Columbia, under certain restrictions and conditions, to colonial lawyers.<sup>51</sup> Mr. DeCosmos introduced into the Vancouver Island Legislature in 1863 and succeeded in passing an act allowing colonial lawyers to practise in Vancouver Island courts; but in the Legislative Council the influence of Attorney-General Cary prevented its passage. Not in the least down-hearted, Mr. DeCosmos introduced a similar bill in 1864. Mr. Cary having ceased to be Attorney-General, it passed both Houses and became law.<sup>52</sup>

The first person to apply for admission to the bar of British Columbia after colonial barristers were admissible was Mr. George A. Walkem, whose petition had in the preceding February been refused. Notice of his intention to apply appeared in the *British Columbia Gazette* on August 8, 1863. He was admitted in the Michaelmas term following. The next person to apply was Mr. A. Rocke Robertson. He was admitted in the summer of 1864.<sup>53</sup>

Probably nothing was more prolific of trouble for Judge Begbie than the jury trials. In the mining regions the juries quite frequently gave verdicts against the evidence and based on the reputation or popularity of one litigant or the other or upon the public view of their conduct. There was no Court of Appeal to apply to, and the judge himself, on application, where a verdict was manifestly perverse, most properly set it aside. This raised a furious clamour. In 1866 occurred the Davis-Aurora litigation. This was just the common case of a dispute regarding the ownership of a piece of mining ground—in this instance, a particularly valuable piece. The Aurora people claimed that they had staked the ground first, but the Davis people said that when they staked it they saw none of the Aurora's stakes. It is plain that one of the litigants was entitled to the whole ground—and the only question was which. The jury brought in a verdict that the 130 feet in dispute should be divided equally between the Aurora and the Davis companies. Judge

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<sup>51</sup> Proclamation, June 18, 1863, No. 8.

<sup>52</sup> *British Columbian*, September 17, 1864.

<sup>53</sup> *British Columbian*, June 15, 1864.

Begbie refused to receive the verdict—if such a bare-faced compromise can be so named. The case was then left with the judge for decision. He decided in favour of the Aurora company.<sup>54</sup>

From this sprang the movement which resulted in delegates being sent to Hon. A. N. Birch, the Administrator of the Government, asking that a Court of Appeal be created or that the Judge be compelled to receive and accept and be prevented from interfering with the findings of the juries and the Assistant Gold Commissioners. Legislation to the latter effect was obtained, and it led, as has been shown, to the Grouse Creek war, so called. Amongst the delegates who had urged this restraining legislation was Mr. Frank Laumeister, a prominent miner and trader, who was quite well acquainted with the judge. Thereafter he endeavored to avoid meeting Judge Begbie and for a time he succeeded. But at last the expected happened; the two men came suddenly face to face at a spot where the meeting was inevitable. Mr. Laumeister was quite nervous. The judge remarked that he had not met him for a considerable time and wondered why. The abashed gentleman replied that owing to his connection with the movement to restrict the judicial powers he did not know what their relations would be in the future. Begbie's reply, as given by Laumeister himself, is typical: "Oh, don't mention it, Mr. Laumeister! Don't mention it! You know I'm very fond of fishing, Mr. Laumeister, and sometimes—ah-a-a mosquito will—eh-eh-light on my cheek, but I just brush it off and go on. Eh! Good-day, Mr. Laumeister."

Space must be found here for a story or two about Judge Begbie.

On one occasion two prominent lawyers were arguing a matter before him. They soon got into a wrangle as to who was entitled to the last word. The judge listened to them patiently, and finally turning to one of them, he said: "Mr. ———, if the judge is worth a snap, the last word isn't."

A gambler named Gilchrist, who had killed two men in California, was tried before him for murder. The jury brought in a verdict of manslaughter. Addressing the prisoner, Judge Begbie, according to tradition, said: "It is not a pleasant duty for me to have to sentence you only to prison for life. Your crime was unmitigated murder. You deserve to be hanged. Had the jury performed

<sup>54</sup> *British Columbian*, July 27, 1866.



their duty, I might now have the painful satisfaction of condemning you to death. And you, gentlemen of the jury, permit me to say that it would give me great pleasure to see you hanged, each and every one of you, for bringing in a murderer guilty only of manslaughter."<sup>55</sup>

The following will give some idea of the way in which Judge Begbie's name stood for the enforcement of law. One stormy night soon after his arrival at Richfield, Williams Creek, the judge was caught without an overcoat. As he had to make a journey, being the most democratic of men, he went into a miner's cabin to borrow one. The occupant of the cabin happened to be a deserter from the American army, and his great coat was one he had taken with him when he decamped. He lent it to the judge with this remark: "You're welcome to the use of the coat, stranger, but don't you let that fellow Begbie catch you with it on."

The Union Act of 1866 contained no provisions relating to the Courts on the island and the mainland, or to the practitioners therein. In 1867 by ordinance the Legislative Council enacted that all barristers, solicitors and notaries public entitled to practise on Vancouver Island could practise in British Columbia.

The bar of British Columbia then consisted of the following: In Cariboo, Joseph Park and J. G. Barnston; in New Westminster, H. P. P. Crease, Attorney-General; in Victoria, D. B. Ring, J. F. McCreight, H. P. Walker, G. A. Walkem, T. L. Wood, Drake, Jackson & Aikman, A. Rocke Robertson, Robert Bishop and John Copeland. Mr. H. C. Courtenay was practising as a solicitor, Mr. E. G. Alston had become Registrar of Deeds, Mr. A. C. Elliott had succeeded Peter O'Reilly as High Sheriff, and Mr. C. F. Cornwall, after practising a short time in Kootenay and Big Bend, had settled down to a country gentleman's life at Ashcroft.<sup>56</sup>

Some uncertainty prevailed as to the relative positions of Judge Needham and Judge Begbie after the union. They had been appointed for the separate colonies, but now though the colonies were united the courts were not. In 1868 an ordinance was passed by which their respective powers and jurisdictions were continued.<sup>57</sup> In the following year it was enacted that the court known as the

<sup>55</sup> Canadian Magazine, Vol. 27, p. 40.

<sup>56</sup> British Columbia Directory, 1868.

<sup>57</sup> 1868, Ordinances, No. 3.

Supreme Court of Civil Justice of the Colony of Vancouver Island should be thereafter "the Supreme Court of Vancouver Island," and that Chief Justice Needham should be known as the Chief Justice of Vancouver Island; and that the Supreme Court of Civil Justice of British Columbia should be thereafter "the Supreme Court of the Mainland of British Columbia," and that Judge Begbie should be called "The Chief Justice of the Mainland of British Columbia"; if a vacancy occurred the two courts were to be merged and the remaining Chief Justice, who should be designated "The Chief Justice of British Columbia," should preside therein and a puisne judge should also be appointed.<sup>58</sup> Chief Justice Needham resigned in March, 1870.

A great deal of discussion has occurred on the question whether a lynching ever occurred in this province. The answer is: one lynching did occur. In a book entitled "Very Far West Indeed," by R. Byron Johnson, published in 1872, will be found at pages 180-186 the story of an alleged lynching on Jack of Clubs Creek in the winter of 1862. Briefly it is, that two men were working there, sinking a shaft. One day, after one of them had descended, the other pulled up the bucket and left him there to die. Succeeding in clambering up the rough wall of the shaft, the enraged miner, accompanied by some of his friends, started in pursuit of the miscreant. They overtook him and overpowered him after a struggle. "So we tuk him off inter the woods, an' foun' a limb on a spruce-tree that looked convenient, read a chapter out o' the little Bible in the cabin to him (he hadn't taken that, you bet), an' sent him off to his long reckonin'." <sup>59</sup>

The story on its face is incredible; it lacks motive entirely. No record of such an incident is to be found in the files of the newspapers, or in any of the other records, or in any other book or document. A close examination of dozens of miners living in Cariboo at the time shows it to be purely a figment of the imagination. Moreover, the author did not arrive in British Columbia until 1863, and only made a flying trip to Cariboo. It is possible that the story may have been told him; it is none the less false. Judge Begbie was in the colony and he was as good as a vigilance committee—nay, he was better. His presence permeated the country, and all realized that

<sup>58</sup> 1869, Ordinances, No. 8; Chart of the Judges, App. to 6 British Columbia Reports.

<sup>59</sup> Op. Cit., p. 185.

criminal justice in his hands was swift, sure, and inflexible. There was, therefore, no room and no need for lynch law. Indeed, the judge would have viewed lyncher and lynchee in exactly the same light—murderers.

Now, although out of historical sequence, the details of the only lynching that ever occurred in British Columbia will be given: In February, 1884, a man named Bell was murdered by an Indian near the Nootsack River in the adjoining Territory of Washington. The murderer fled into British Columbia. The sheriff and a posse gave chase and succeeded in capturing him near Sumas Lake. He was placed in charge of two special constables in Mr. York's house on Sumas prairie. On the night of February 27th-28th a mob of about eighty men, armed and disguised, came from the United States and surrounded Mr. York's house. They demanded the prisoner. Being refused they showed force and the constables gave up the Indian. The lynchers left, saying they would "return the bracelets in the morning." At daylight search was made and the murderer was found hanging to a tree near Mr. York's house and about a mile from the boundary.<sup>60</sup> Senator Macdonald complained of this infringement of our sovereignty, and Sir Alexander Campbell, the Minister of Justice, replied that it would be brought to the attention of the United States Government. That was the last heard of the matter. It will be observed that all the factors, except the site of the deed, belonged to our neighbours to the southward.

In 1867 the Governor of British Columbia was authorized to appoint any Stipendiary Magistrate then in office to be a County Court Judge, and at the entry of British Columbia into Canada the following constituted the County Court bench:

A. F. Pemberton, appointed June, 1858, for Victoria, salary . . .	\$2,250
E. H. Sanders, appointed June, 1859, for Lillooet, salary . . .	2,400
W. R. Spalding, appointed June, 1867, for Nanaimo and Comox, salary . . . . .	2,250
A. T. Bushby, appointed April, 1870, for New Westminster, salary . . . . .	2,425
H. M. Ball, appointed June, 1870, for Cariboo, salary . . . . .	3,400
Peter O'Reilly, appointed June, 1871, for Northern Mines, salary . . . . .	3,000

<sup>60</sup> *Mainland Guardian*, March 1, 1884.

It may be added that the Hon. Mr. Bushby died in May, 1875, and was succeeded in New Westminster by the Hon. Peter O'Reilly.

In 1872 Lieutenant-Governor Trutch forwarded an address of the Legislative Assembly, asking the Dominion Government to appoint professional men in the place of these gentlemen.

On March 11, 1870, the Hon. H. P. P. Crease was appointed as the first puisne judge. On July 3, 1872, the first appointment to the judiciary of the province was made by the Dominion Government—John Hamilton Gray was named the second puisne judge. He was one of the fathers of Confederation representing New Brunswick in the Quebec conference 1864, and had been an unsuccessful aspirant for the position of Speaker in the first House of Commons of the Dominion of Canada.<sup>61</sup>

While the Supreme Court consisted of Chief Justice Begbie and Judges Crease and Gray, George A. Walkem, who was then Attorney-General and Premier, passed in 1878 and 1879 various acts, whereby the province was divided into four districts, Victoria, Westminster, Clinton, and Cariboo, and it was ordered that a judge should reside in or near a specified town in each district. These acts also made provision for two more judges and directed that the work of the County Courts should be performed by the Supreme Court Judges. They further directed that the rules of court should be prepared by the Lieutenant-Governor-in-Council, who also should fix the dates of the sittings of the Court. The judges took umbrage at this attempt to coerce and control them.

In 1880, just before the dates for holding the various assizes arrived, the commissions of oyer and terminer were sent to the judges, returnable at Victoria. They were at once returned with the request that they be made out as theretofore, i. e., returnable at Ottawa. The judges evidently thought that the new form brought them, or by its acceptance might bring them, under the control of the local authorities. The Government refused to make the alteration and cancelled the commissions.<sup>62</sup> For the first time in our history, courts of assize, oyer and terminer, and general gaol delivery were held without commission, and this without any statute authorizing their being so held as is now the case.

<sup>61</sup> Pope's Life of Sir John A. Macdonald, Vol. 1, p. 280; Vol. 2, p. 6.

<sup>62</sup> Regina vs. McLeans & Hare, pp. 113-4.



At the New Westminster assizes a most important case was for trial. It was a charge of murder against Allan McLean, Charles McLean, Archibald McLean, and Alexander Hare. The circumstances were that these four—the Kamloops outlaws, as they were called—had been charged with horse-stealing. Mr. John Ussher and three special constables with warrants for their arrest found the prisoners, in December, 1879, in the Nicola mountains, and called upon them to surrender. They at once opened fire, killing Ussher and wounding two of his assistants. Inflamed with fierce passion, they went on a short distance and killed an inoffensive sheep-herder named Kelly, threatened the life of Mr. T. J. Trapp and various other persons, and put the whole country-side in fear. A large posse was formed and the prisoners were surrounded and overcome.

Mr. Justice Crease after mentioning to the Crown authorities his doubts, held the assize without a commission. The prisoners were defended by Messrs. Theodore Davie and W. Norman Bole. After their conviction the Secretary of State, learning of the doubts which existed as to the legality of the trial owing to this defect, ordered the question to be argued before the three judges. They decided that a commission was necessary, and that the trial already held was a nullity.<sup>63</sup>

The prisoners were accordingly re-tried in November, 1880, before Mr. Justice Crease. A commission was duly issued for the assize. Mr. J. F. McCreight, Q. C., appeared for the Crown, and Mr. W. Norman Bole for the prisoners. The morning of the first day—from 9:40 to 12 o'clock—was occupied in obtaining a jury. The newspapers pointed out this long time—this waste of time—*two hours and twenty minutes*<sup>64</sup> spent in selecting the jury who should try *four* men for their lives. The verdict was guilty and the four outlaws, whose ages ranged from 16 to 21, were hanged on January 31, 1881.

This case is only referred to for the purpose of casting light upon the early stage of the dispute between the Supreme Court and the Government.

After a delay of two years the two judges authorized by the act of 1878 were appointed, Mr. J. F. McCreight and Alexander Rocke

<sup>63</sup> Regina vs. McLeans & Hare, Judgment, January 26, 1880.

<sup>64</sup> British Columbian, November 17, 1880.

Robertson. Both appointments met with the highest popular approval. Mr. Justice McCreight took up his residence in Cariboo and Mr. Justice Robertson at Clinton. Messrs. Pemberton, O'Reilly, Spalding, Sanders, and Ball, the old lay County Court Judges, were retired on January 14, 1881, on pensions equal to two-thirds of their salaries, and the County Court work was thereafter performed by the Supreme Court Judges.<sup>65</sup>

Unfortunately, Mr. Justice Robertson was not long spared to adorn the judicial office. While bathing in Kamloops Lake, he received a slight injury on the knee. No attention was paid to it at the time, but some months later the whole limb became so painful that he was forced to abandon the circuit and visit Victoria for medical treatment. A month later—December 1, 1881—he died in the prime of life and the full vigour of manhood. His fine talents, his courteous bearing, and above all his pure and honourable life and conduct commanded the attention and secured the respect of all who knew him. His influence was always on the side of morality and religion and both by precept and example he encouraged every honourable and philanthropic enterprise.

In 1881-2, occurred the celebrated Thrasher case, in which a later phase of the dispute between the executive and the judiciary appears, and in which, for a time at least, the relative rights of the litigants were hidden from view by that quarrel. The action was for some \$80,000 damages for the loss of the plaintiff's ship *Thrasher*, owing to the defendant's negligence while towing her from Nanaimo. The jury found a verdict for the defendant company. Application was made for a new trial. One of Mr. Walkem's acts—the Local Administration of Justice Act—came into force on June 28, 1881. It contained amongst other unusual and strife-raising sections one which ordered that the Judges of the Supreme Court should meet in Full Court at Victoria "only once in each year at such time as the rules of court to be framed by the Lieutenant-Governor-in-Council might require." The Full Court happened to be sitting on the very day on which the act became law. It adjourned very shortly afterwards, and when the appellant wished to obtain a special sitting to enable his appeal to be heard, the judges claimed that the legislation had tied their hands and that no Full Court could be held

<sup>65</sup> *Victoria Colonist* in *Dominion Pacific Herald*, December 18, 1880.

until ordered by the rules. The Lieutenant-Governor-in-Council then promulgated a rule that the Full Court should sit on December 19, 1881. On that day the judges assembled, not as a Full Court, but for the purpose of deciding whether they could sit as a Full Court, having already in the year sat in that capacity. It was suggested that under the statute they could not legally sit as a Full Court until after June 28, 1882.

The counsel for the appellant, Mr. Theodore Davie, boldly challenged the constitutionality of the act, or at any rate its applicability to the Supreme Court, which he claimed was a Canadian court. The Attorney-General was heard as *amicus curiæ*. After consideration the judges held that the Supreme Court of British Columbia was a Federal court and that the Legislative Assembly had no power to alter or repeal its powers, authority, or jurisdiction, or to allot jurisdiction to any specified judge, or to impose terms of residence or otherwise, and that the appointment of the days of the Court's sittings was a matter of purely judicial cognizance and that any attempt to grant to the Lieutenant-Governor-in-Council power to interfere therewith was unconstitutional and void. Mr. Justice McCreight, who had only just been appointed, took no part in the decision.

But this was not the end. The Dominion authorities refused to concur in the view that this Supreme Court was a Dominion court and ordered a stated case to be placed before the Supreme Court of Canada, to decide whether the Supreme Court of British Columbia were a provincial court, whether the Legislative Assembly had any and, if so, what authority over procedure in civil matters therein, and whether that authority, if it existed, could be delegated to the Lieutenant-Governor-in-Council. The judges were also asked whether the various statutes which Mr. Walkem had passed were constitutional or otherwise. The result was to uphold the view of the executive in every particular and to declare that the Supreme Court of British Columbia was a Provincial court, over the procedure in civil matters wherein the Legislature had jurisdiction.<sup>66</sup>

The vacancy caused by the death of Mr. Justice Robertson was filled on May 23, 1882, by the appointment of Mr. George A. Walkem. Mr. Walkem's life, forming as it does, so much of the

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<sup>66</sup> Sessional Papers, 1883, p. 391.

history of our province, has been already fully dealt with in the main portion of this work.

In 1883 the practising lawyers in the Province were: M. W. T. Drake, A. E. B. Davie, Edwin Johnson, Theodore Davie, J. Roland Hett, Treasurer of the Law Society; John Patmore Walls, Secretary of the Law Society; John G. Barnston, Clement F. Cornwall, A. C. Elliott, Robert E. Jackson, H. B. W. Aikman, Henry Slye Mason, Eli Harrison, Jr., Charles J. Leggatt, A. J. D. McElmon, Charles E. Pooley, William Pollard, W. Norman Bole, Thornton Fell, P. Æ. Irving, D. M. Eberts, Gordon E. Corbould, S. Perry Mills, Charles Wilson, and Andrew Leamy.<sup>67</sup>

The five first named were the benchers for that year.

Mr. Justice Gray died on June 5, 1889, and in the following August the Honourable Montague William Tyrwhitt Drake was appointed to the vacancy.

Chief Justice Begbie died on June 11, 1894, at the age of seventy-five. He had been on the Bench for almost thirty-six years, and, as was fitting, died in office. So thoroughly had he been identified with the growth of the province and so great service had he rendered in the maintenance of law and order, that the following appreciation of his work and character, given by those who knew him well, is inserted in full:

*"Resolved,* That the members of the bar now assembled, on behalf of themselves and brethren throughout the Province, express their deep sorrow at the death of Sir Matthew Baillie Begbie, Knight, late the Chief Justice of British Columbia.

*"Throughout* a long life he occupied a distinguished position as a lawyer and a judge, and although he reached an advanced age, he was, up to within a few weeks of his death, actively engaged in the performance of the duties pertaining to his high office.

*"His removal* takes away one of the most prominent figures connected with the early history of this province, a man whose strong individuality and uprightness have left a lasting impress upon every branch of our judicial system.

*"At a period* when firmness and discretion in the administration of justice were most needed, his wise and fearless action as a judge caused the law to be honoured and obeyed in every quarter.

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<sup>67</sup> British Columbia Directory, 1883, p. 392.



"When the settlement of the country advanced and the necessity for preventing lawless outbreaks became less frequent, he, as the Chief Justice of our Supreme Court, manifested an ability which showed that his intellectual faculties were as keen and active as his character was stable and commanding.

"He was a man of scholarly attainments and his versatility of talent evoked the admiration of all who came in contact with him.

"As a judge, the tendency of his thought was eminently logical, his judgment was prompt and decisive, his integrity was never questioned.

"His private life was in every way worthy of his public position. Plain and unassuming in manner, courteous and dignified in his speech, loyal to his companions, firm in his friendships, of a generous and sympathetic nature, unostentatiously good and silently charitable, he will be missed not only by his professional associates, but by many who knew him only as a kind and steadfast friend.

"He has departed from us full of years and honors, but his memory will remain as that of one whose judicial career has been without stain, and whose personal worth has won our deepest respect and affection."<sup>68</sup>

His successor was the Honourable Theodore Davie, who was appointed in February, 1895.

The Hon. Angus John McColl became one of the puisne judges on October 13, 1896, as successor to the Hon. Sir Henry Pering Pellew Crease, who retired on January 20, 1896, and on the death of Chief Justice Davie, which occurred in March, 1898, he was advanced to the position of Chief Justice.

The Hon. Mr. Justice McCreight retired on November 17, 1897. The vacancy thus caused was filled in the following month by the selection of the Hon. Paulus Æmilius Irving. When the Hon. Mr. Justice McColl became Chief Justice, the Hon. Archer Martin accepted the puisne judgeship.

Chief Justice McColl died suddenly in Victoria on January 16, 1902. His successor was the present Chief Justice of British Columbia, the Hon. Gordon Hunter.

On the retirement of Mr. Justice Walkem and Mr. Justice

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<sup>68</sup> Resolution, Victoria Bar, June 14, 1894.

Drake, the Hon. L. P. Duff and the Hon. Aulay Morrison took seats upon the Supreme Court bench.

Mr. Justice Duff only remained a member of the court for about two and a half years, when he was elevated to the Supreme Court of Canada. He was succeeded by the Hon. William Henry Pope Clement in December, 1906. Mr. Justice Clement had been one of the County Court Judges and his elevation from that position is one of the very rare occasions upon which the traditional policy has been departed from.

In November, 1909, the Hon. James A. Macdonald was appointed Chief Justice of Appeal. The other Justices of Appeal appointed at the same time were the Hon. Mr. Justice Irving, the Hon. Mr. Justice Martin (both of whom were elevated from the Supreme Court), and the Hon. W. A. Galliher.

The vacancies in the Supreme Court were filled in November, 1909, by the appointment of the Hon. Denis Murphy and the Hon. F. B. Gregory.

Provision having been made for another Justice of Appeal and another puisne judge, the Hon. Albert E. McPhillips and the Hon. W. A. McDonald were, in the summer of 1913, appointed to the above offices, respectively.

A word may be added in reference to the County Court Judges.

The first to be appointed after the lay judges were retired in 1881 was Eli Harrison. In April, 1884, he was appointed County Court Judge for Cariboo. He remained in that position until August, 1889, when he became County Court Judge of Nanaimo.

In September, 1889, William Norman Bole, Clement F. Cornwall and William Ward Spinks were appointed County Court Judges for New Westminster, Cariboo, and Yale, respectively.

The growth of the Kootenay mining region soon necessitated the appointment of a judge for that county, and in 1896 John Andrew Forin was selected for the position. As the region developed the increase of litigation imperiously demanded a further addition to the County Court bench, and in June, 1901, Andrew Leamy became Junior Judge for Kootenay.

Until June, 1901, His Honour Judge Bole, the County Court Judge of New Westminster, performed, in addition, the work of County Court Judge of Vancouver; but on that date, Alexander

Henderson, who had been for a time Attorney-General in the Semlin Government, was appointed County Court Judge of Vancouver. On his retirement in 1906 George Fillmore Cane succeeded to the position.

His Honour Judge Leamy died in August, 1905. His successor was William Henry Pope Clement. When the latter was elevated to the Supreme Court bench in 1906, John R. Brown became Junior County Court Judge of Kootenay and Yale.

The present County Court Judges are: His Honour F. McB. Young, appointed June 14, 1905, for Atlin County; His Honour Peter Secord Lampman, appointed June 14, 1905, for Victoria; His Honour John Andrew Forin, appointed October 11, 1905, for West Kootenay; His Honour John R. Brown, appointed January 8, 1907, Junior Judge for Yale; His Honour Frederick Calder, appointed January 8, 1907, for Cariboo, vice His Honour Judge Cornwall, retired; His Honour David Grant, appointed May 19, 1907, Junior Judge for Vancouver; His Honour Frederick William Howay, appointed October 14, 1907, for Westminster, vice His Honour Judge Bole, retired; His Honour William Wallace Burns McInnes, appointed April 1, 1909, for Vancouver, vice His Honour Judge Cane, deceased; His Honour Charles Howard Barker, appointed August 28, 1909, for Nanaimo, vice His Honour Judge Harrison, retired; His Honour John Donald Swanson, appointed January 24, 1910, Senior Judge for Yale, vice His Honour Judge Spinks, retired; His Honour George Thompson, appointed January 29, 1912, vice His Honour Judge Wilson, retired; His Honour Samuel D. Schultz, appointed in December, 1913, as the third County Court Judge for Vancouver.

The growth of the bar of British Columbia is well shown by the following figures: In 1895 it numbered 106 members; in 1905, 235 members; in 1910, it had grown to 300 members; in 1911 the number had increased to 351; in 1912 the roll showed 412 members; the number on the roll for the present year (1913) is 488.

The Benchers of the Law Society for 1913 are R. T. Elliott, K. C., L. G. McPhillips, K. C., J. H. Senkler, K. C., A. P. Luxton, K. C., G. E. Corbould, K. C., E. P. Davis, K. C., E. V. Bodwell, K. C., Sir Charles Hibbert Tupper, K. C., and William C. Moresby. The treasurer of the society is G. E. Corbould, K. C., who has been a member of the bar of British Columbia for over thirty years.







## APPENDIX CONTAINING PROOFS AND ILLUSTRATIONS

1. An Act to provide for the Government of British Columbia, 1858.
2. An Act to Define the Boundaries of the Colony of British Columbia, and to continue an Act to provide for the Government of the said Colony, 1863.
3. An Act for the Union of the Colony of Vancouver Island with the Colony of British Columbia, 1866.
4. The Re-conveyance of Vancouver Island.
5. An Act to make further provision for the Government of British Columbia, 1870.
6. The Terms of Union.
7. British North America Act, 1867.
8. Order-in-Council respecting Union of British Columbia with the Dominion of Canada, May 16, 1871.
9. San Juan Boundary Dispute.
10. British North America Act, 1907.



# APPENDIX

## 1

### AN ACT TO PROVIDE FOR THE GOVERNMENT OF BRITISH COLUMBIA

(2nd August, 1858)

WHEREAS divers of Her Majesty's Subjects and others have, by the license and consent of Her Majesty, resorted to and settled on certain wild and unoccupied territories on the North-west Coast of North America, commonly known by the designation of New Caledonia, and from and after the passing of this Act to be named British Columbia, and the Islands adjacent, for mining and other purposes; and it is desirable to make some temporary provision for the Civil Government of such territories, until permanent settlements shall be thereupon established, and the number of colonists increased: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. British Columbia shall, for the purposes of this Act, be held to comprise all such territories within the dominions of Her Majesty as are bounded to the South by the frontier of the United States of America, to the East by the main chain of the Rocky Mountains, to the North by Simpson's River and the Finlay branch of the Peace River, and to the West by the Pacific Ocean, and shall include Queen Charlotte's Island and all the other Islands adjacent to the said territories, except as hereinafter excepted.

2. It shall be lawful for Her Majesty, by any order or orders to be by Her from time to time made, with the advice of Her Privy Council, to make, ordain and establish, and (subject to such conditions or restrictions as to Her shall seem meet) to authorize and empower such officer as She may from time to time appoint as Governor of British Columbia, to make provision for the administration of justice therein, and generally to make, ordain, and establish all such laws, institutions, and ordinances as may be necessary for the peace, order, and good government of Her Majesty's subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

3. Provided always, that it shall be lawful for Her Majesty, so soon as She may deem it convenient, by any such Order in Council as aforesaid, to constitute or to authorize and empower such officer to constitute a Legislature to make laws for the peace, order, and good government of British Columbia, such Legislature to consist of the Governor and a Council, or Council and Assembly, to be composed of such and so many persons, and to be appointed or elected in such manner and for such periods, and subject to such regulations as to Her Majesty may seem expedient.

4. And whereas an Act was passed in the forty-third year of King George the Third, intituled "An Act for extending the jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the trial and punishment of persons guilty of crimes and offences within the certain parts of North America adjoining to the said Provinces:" And whereas by an Act passed in the second year of King George the Fourth, intituled "An Act for regulating the fur trade, and establishing a Criminal and Civil Jurisdiction within certain parts of North America," it was enacted that from and after the passing of that Act the Courts of Judicature then existing or which might be thereafter established in the Province of Upper Canada should have the same civil jurisdiction, power, and authority within the Indian territories and other parts of America, not within the limits of either of the Provinces of Lower or Upper Canada, or of any Civil Government of the United States, as the said Courts



had or were invested with within the limits of the said Provinces of Lower or Upper Canada respectively, and that every contract, agreement, debt, liability, and demand made, entered into, incurred, or arising within the said Indian territories and other parts of America, and every wrong and injury to the person or to property committed or done within the same, should be and be deemed to be of the same nature, and be cognizable and be tried in the same manner, and subject to the same consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of Upper Canada; and in the same Act are contained provisions for giving force, authority, and effect within the said Indian territories and other parts of America to the process and acts of the said Courts of Upper Canada; and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a commission or commissions to any person or persons to be and act as Justices of the Peace within such parts of America as aforesaid, as well within any territories theretofore granted to the Company of Adventurers of England trading to Hudson's Bay, as within the Indian territories of such other parts of America as aforesaid; and it was further enacted, that it should be lawful for His Majesty from time to time by any commission under the great seal to authorize and empower any such persons so appointed Justices of the Peace as aforesaid, to sit and hold Courts of Record for the trial of criminal offences and misdemeanours, and also of civil causes, and it should be lawful for His Majesty to order, direct, and authorize the appointment of proper officers to act in aid of such Courts and Justices within the jurisdiction assigned to such Courts and Justices in any such commission, provided that such Courts should not try any offender upon any charge or indictment for any felony made the subject of capital punishment, or for any offence or passing sentence affecting the life of any offender, or adjudge or cause any offender to suffer capital punishment or transportation, or take cognizance of or try any civil action or suit in which the cause of such suit or action should exceed in value the amount or sum of two hundred pounds, and in every case of any offence subjecting the person committing the same to capital punishment or transportation, the Court, or any Judge of any such Court, or any Justice or Justices of the Peace before whom any such offender should be brought, should commit such offender to safe custody, and cause such offender to be sent in such custody for trial in the Court of the Province of Upper Canada.

From and after the proclamation of this Act in British Columbia the said Act of the forty-third year of King George the Third, and the said recited provisions of the said Act of the second year of King George the Fourth, and the provisions contained in such Act for giving force, authority, and effect within the Indian territories and other parts of America to the process and acts of the said Courts of Upper Canada, shall cease to have force in and to be applicable to British Columbia.

5. Provided always, that all judgments given in any civil suit in British Columbia shall be subject to appeal to Her Majesty in Council, in the manner and subject to the regulations in and subject to which appeals are now brought from the Civil Courts of Canada, and to such further or other regulations as Her Majesty, with the advice of Her Privy Council, shall from time to time appoint.

6. No part of the Colony of Vancouver Island, as at present established, shall be comprised within British Columbia for the purpose of this Act; but it shall be lawful for Her Majesty, Her heirs and successors, on receiving at any time during the continuance of this Act, a joint Address from the two Houses of the Legislature of Vancouver Island, praying for the Incorporation of that Island with British Columbia by order to be made as aforesaid, with the advice of Her Privy Council, to annex the said Island to British Columbia, subject to such conditions and regulations as to Her Majesty shall seem expedient; and thereupon and from the date of the publication of such order in the said Island, or such other date as may be fixed in such order, the provisions of this Act shall be held to apply to Vancouver Island.

7. In the construction of this Act the term "Governor" shall mean the person for the time being lawfully administering the Government of British Columbia.

8. This Act shall continue in force until the thirty-first day of December, One thousand eight hundred and sixty-two, and thenceforth to the end of the next Session of Parliament: Provided always, that the expiration of this Act shall not affect the boundaries hereby defined, or the right of appeal hereby given, or any act done or right or title acquired under or by virtue of this Act, nor shall the expiration of this Act revive the Acts or parts of Acts hereby repealed.

## II

AN ACT TO DEFINE THE BOUNDARIES OF THE COLONY OF BRITISH COLUMBIA,  
AND TO CONTINUE AN ACT TO PROVIDE FOR THE GOVERNMENT OF THE  
SAID COLONY.

(28th July, 1863)

WHEREAS it is desirable to amend and continue an Act passed in the Twenty-first and Twenty-second Year of Her Majesty, Chapter Ninety-nine, intituled, "An Act to provide for the Government of British Columbia": Be It Therefore enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The first section of the aforesaid Act is repealed.
2. The remaining sections of the said Act shall continue in force till the thirty-first day of December One thousand eight hundred and sixty-three, and no longer, provided that the expiration of the said Act shall not invalidate any Order in Council or other Instrument issued under authority of the said Act, nor any act done or right or title acquired by virtue of the said Act, nor affect the right of appeal thereby given, nor revive any Acts or parts of Acts of Parliament thereby repealed.
3. British Columbia shall for the purposes of the said Act, and for all other purposes, be held to comprise all such territories within the Dominions of Her Majesty as are bounded to the South by the Territories of the United States of America, to the West by the Pacific Ocean and the Frontier of the Russian Territories in North America, to the North by the sixtieth Parallel of North Latitude, and to the East, from the Boundary of the United States Northwards by the Rocky Mountains and the One hundred and twentieth Meridian of West Longitude, and shall include Queen Charlotte's Island and all other Islands adjacent to the said Territories, except Vancouver's Island and the Islands adjacent thereto.

## III

AN ACT FOR THE UNION OF THE COLONY OF VANCOUVER ISLAND WITH THE  
COLONY OF BRITISH COLUMBIA

(6th August, 1866)

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

1. This Act may be cited as "The British Columbia Act, 1866."
2. In this Act the term "Governor" means any officer for the time being lawfully administering the Government.
3. From and immediately after the Proclamation of this Act by the Governor of British Columbia, the Colony of Vancouver Island shall be and the same is hereby united with the Colony of British Columbia, and thenceforth those two Colonies shall form and be one Colony, with the name of British Columbia (which Union is in this Act referred to as the Union.).
4. On the Union taking effect, the form of Government existing in Vancouver Island as a separate Colony shall cease, and the power and authority of the Executive Government and of the Legislature existing in British Columbia shall extend to and over Vancouver Island; but in order that provision may be made for the representation of Vancouver Island in the Legislature of British Columbia after the Union, the maximum number of Councillors in the Legislative Council of British Columbia after the Union shall, until it is otherwise provided by lawful authority, be twenty-three instead of fifteen.
5. After and notwithstanding the Union the Laws in force in the separate Colonies of British Columbia and Vancouver Island respectively at the time of the Union taking effect shall, until it is otherwise provided by lawful authority, remain in force as if this Act had not

been passed or proclaimed; save only that the laws relative to the Revenue of Customs in force in British Columbia at the time of the Union taking effect shall, until it is otherwise provided by lawful authority, extend and apply to Vancouver Island; and until it is otherwise provided by lawful authority, the Governor of British Columbia shall have, in relation to the territory for the time being under his Government, all the powers and authorities for the time being vested, in relation to the United Kingdom, in the Commissioners of Her Majesty's Treasury or in the Commissioners of Customs, with respect to the appointment of Warehousing Ports, and the approval and appointment of warehouses or places of security in such ports, and everything consequent thereon or relative thereto.

6. Nothing in this Act shall take away or restrict the authority of the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, to make laws for the peace, order, and good Government of British Columbia either before or after the Union; nor shall anything in this Act interfere with the exercise of any power that would have been exercisable by Her Majesty in Council if this Act had not been passed.

7. Until the Union British Columbia shall comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Territories of the United States of America, to the West by the Pacific Ocean and the Frontier of the Russian Territories in North America, to the North by the Sixtieth Parallel of North Latitude, and to the East from the Boundary of the United States Northwards by the Rocky Mountains and the one hundred and twentieth Meridian of West Longitude, and shall include Queen Charlotte's Island and all other Islands adjacent to the said Territories, except Vancouver Island and the Islands adjacent thereto.

8. After the Union, British Columbia shall comprise all the Territories and Islands aforesaid, and Vancouver Island and the Islands adjacent thereto.

9. The Acts described in the Schedule to this Act are hereby repealed; but this repeal shall not invalidate any Order in Council or other Instrument issued under the authority of those Acts or either of them, or any act done or right or title acquired by virtue of those Acts or either of them, or of any such order or instrument.

#### SCHEDULE

##### Acts Repealed

21 & 22 Vict., c. 99.—An Act to provide for the Government of British Columbia.

26 & 27 Vict., c. 83.—An Act to define the Boundaries of the Colony of British Columbia, and to continue an Act to provide for the Government of the said Colony.

#### PROCLAMATION

By Proclamation bearing date 17th November, 1866, and intituled "Union Proclamation, 1866," the above Act was proclaimed by His Excellency Frederick Seymour, Governor of the Colony of British Columbia.

#### IV

##### THE RE-CONVEYANCE OF VANCOUVER ISLAND

THIS INDENTURE made this third day of April, one thousand eight hundred and sixty-seven, between the Governor and Company of Adventurers of England, trading into Hudson's Bay, (who with their successors are hereinafter called "the said Company") of the one part, and Her most Gracious Majesty Queen Victoria of the other part.

Whereas previous to January, one thousand eight hundred and forty-nine, the said company had occupied certain portions of land in Vancouver Island for the purposes of carrying on their trading and commercial operations, under a Royal Charter of Incorporation granted to them by His late Majesty King Charles the second and dated the second day of May, in the twenty-second year of His reign:

And whereas by a Royal License bearing date the thirteenth day of May, one thousand eight hundred and thirty-eight, the said Company were invested for the full period of twenty-one years

from the date thereof, with the sole and exclusive privilege of trading with the Indians in such part of North America to the northward and westward of the territories of the United States as did not form part of any of Her said Majesty's provinces in North America, or of any territories belonging to the United States or to any European Government, State or Power, subject nevertheless as therein mentioned.

And whereas by letters patent dated the thirteenth day of January, one thousand eight hundred and forty-nine, Her said Majesty was pleased to grant unto the said Company and their successors the said Vancouver Island, together with all royalties of the seas upon the coasts within the limits therein mentioned, and all mines royal thereto belonging, to be holden of Her said Majesty, Her heirs and successors, in free and common socage, at the yearly rent of seven shillings, and upon the condition and for the purpose of colonizing the said Island as therein mentioned, and in the said letters patent Her said Majesty reserved to Herself and Her successors full power, at the expiration of the said Company's hereinbefore recited license for the exclusive privilege of trading with the Indians, to repurchase and take from the said Company the said Vancouver Island and premises thereby granted, on payment by Her said Majesty to the said Company, of the sum or sums of money theretofore laid out and expended by them in and upon the said Island and premises and of the value of their establishments, property and effects then being thereon.

And whereas after the said hereinbefore recited license of the thirteenth day of May, one thousand eight hundred and thirty-eight, had come to an end, it seemed fit to Her said Majesty to exercise the power reserved to Her in the said letters patent of repurchasing the said Vancouver Island, whereupon an investigation of accounts and a negotiation with the said Company took place, and finally the said Company agreed to accept the sum of fifty-seven thousand five hundred pounds in full discharge of all their claims in respect of the said Island under the said letters patent of the thirteenth day of January, one thousand eight hundred and forty-nine.

And whereas the said sum of fifty-seven thousand five hundred pounds hath accordingly been paid to the said Company by or on behalf of Her said Majesty, in two instalments of twenty-five thousand pounds and thirty-two thousand five hundred pounds, on the twenty-ninth day of June, one thousand eight hundred and sixty, and the sixth day of October, one thousand eight hundred and sixty-two, as the said Company do hereby admit and acknowledge.

And whereas the said Company have agreed to reconvey to Her said Majesty, Her heirs and successors, the said Vancouver Island and premises, except such portions thereof as may have been sold by the said Company previous to the first day of January, one thousand eight hundred and sixty-two, and except also such other portions thereof as are hereinafter mentioned, which last mentioned portions are, with the assent of Her said Majesty to remain the property of the said Company and their successors.

Now this Indenture witnesseth that in pursuance of such agreement and in consideration of the sum of fifty-seven thousand five hundred pounds so paid by or on behalf of Her said Majesty to the said Company as aforesaid, in full discharge of all the claims of the said Company in respect of all sums expended by them in and upon the said Vancouver Island and premises, and of the value of their establishments, property and effects now being thereon, and of all other their claims under the said letters patent of the thirteenth day of January, one thousand eight hundred and forty-nine in respect of the said Island, they, the said Company, do for themselves and their successors by these presents grant, convey, yield up and surrender unto Her said Majesty, Her heirs and successors, all that the said Island called Vancouver Island, together with all royalties of the seas upon the coasts thereof, and all mines royal, and all rights, members and appurtenances whatsoever to the said Island and hereditaments belonging, and which were conveyed or passed to and are now vested in the said Company, under or by virtue of the said hereinbefore recited letters patent of the thirteenth day of January, one thousand eight hundred and forty-nine, or otherwise howsoever, and also the said letters patent of the thirteenth day of January, one thousand eight hundred and forty-nine: And all the estate, right, title, interest and property whatsoever of the said Company in, to and out of the same premises, except and always reserved out of the grant and surrender hereby made as follows, that is to say:

1. Certain pieces or parcels of land in the town of Victoria, containing in the whole twenty-two acres and forty-one hundredth parts of an acre and known as the Church Reserve, which lands have lately been conveyed by the said Company to Trustees for certain ecclesiastical and scholastic purposes: And also all land situate in the Victoria district which may have been sold by the said Company previous to the first day of January, one thousand eight hundred and sixty-two, together



with the water frontages and spaces between high and low water mark, abutting on any portions of such lands, provided such water frontages and spaces were also sold by the said company before the first day of January, one thousand eight hundred and sixty-two, but not otherwise.

2. The farm known as the Uplands Farm, containing about one thousand one hundred and forty-four acres, and being section thirty-one on the colonial official plan of the said Victoria district.

3. The farm known as the North Dairy Farm, containing about four hundred and sixty acres, being section thirty-two on the said official plan.

4. The Old Spring and adjoining land (except one well set apart and appropriated to public use,) and marked 68, 69, 70, 71, 72, 73/2078 in section eighteen of the plan of the town of Victoria heretofore delivered to the Colonial Government by the said Company.

5. All that portion of land in the said Victoria district heretofore known as the Fort Property, including the site of the fort and the adjoining land yet unsold, with the water frontage and foreshore immediately in front of the fort, but not including the several lots marked respectively H, harbour master's lot, No. 15, block 70, situated at the foot of Broughton street; V, police barracks, and numbers 1603, 1605, and 1607, post office, coloured green, on the said last mentioned plan, on which lots the harbour master's office, the police barracks and the post office are respectively situated, and which lots are hereby (among other things) granted and conveyed to Her said Majesty and Her successors.

6. Eight lots or parcels of land numbered on the said last mentioned plan 3, 4, 5, 8, 10, 14, 17, and 20, containing in the whole fifty acres, more or less, recently selected by the said Company out of a certain farm lying to the south and west of James Bay, and heretofore known as "Beckley" or "Dutnell's" Farm, all which said excepted lands (save the lands comprised under 17, and 20, containing in the whole fifty acres, more or less, recently selected by the said Company and their successors, free and discharged from any rent, trusts or conditions contained in the said letters patent of the thirteenth day of January, one thousand eight hundred and forty-nine, and as regards the lands comprised under the foregoing heads of exceptions numbered 4, 5 and 6 are coloured pink and marked on the several blocks and lots into which the same are divided with the letters H. B. C. on the map or plan thereof hereunto annexed, to have and to hold the said Vancouver Island and all and singular other the hereditaments and premises hereinbefore granted, conveyed and surrendered or intended so to be, with their appurtenances (except as aforesaid) unto Her said Majesty, Her heirs and successors, as of Her former estate and dominion therein, freed and absolutely discharged from any title, rights or claims of the said Company and their successors.

And the said Company do hereby for themselves and their successors, covenant with Her said Majesty, Her heirs and successors, in manner following, that is to say, that they, the said Company, have not at any time heretofore made, done, committed or executed, or willingly suffered any act, deed matter, or thing whatsoever, whereby the said hereditaments and premises hereby granted, conveyed, and surrendered, or intended so to be, or any part thereof, are or is in anywise charged, affected, or encumbered, or by reason whereof the said Company are in anywise prevented from granting the said hereditaments and premises in manner aforesaid.

And further, that they, the said Company, and their successors, will at any time or times hereafter, upon the request and at the cost of Her said Majesty, Her heirs and successors, make, do, and execute, or cause to be made, done, and executed, all such further and other lawful acts, deeds, and assurances for more perfectly and absolutely conveying the said island, hereditaments, and premises, with their appurtenances (except as aforesaid), unto Her said Majesty, Her heirs and successors, as Her said Majesty or Her successors shall require.

In witness whereof, the said Governor and Company of Adventurers of England trading into Hudson's Bay have caused their corporate seal to be hereunto affixed, and Thomas William Clinton Murdoch and Stephen Walcott, Esquires, Her Majesty's Emigration Commissioners, have hereunto set their hands and seals on behalf of Her Majesty, the day and year first above written.

By order of the Governor, Deputy Governor, and Committee of the said Company.

(Signed) W. G. SMITH,  
Secretary.

(Signed) T. W. C. MURDOCH, (L. S.)  
S. WALCOTT, (L. S.)

The corporate seal of the within named Company was hereunto affixed in the presence of  
(Signed) W. ARMIT,

*of Hudson's Bay House, London, Gentleman.*

Signed, sealed and delivered by the within named Thomas William Clinton Murdoch and Stephen Walcott, as such Emigration Commissioners as within mentioned, in the presence of

(Signed) CHRISTOPHER SIMNER CARTWRIGHT,  
*Clerk at the Government Emigration Board.*

8 Park Street, Westminster.

## AN ACT TO MAKE FURTHER PROVISION FOR THE GOVERNMENT OF BRITISH COLUMBIA

(9th August, 1870)

WHEREAS in pursuance of the powers vested in Her Majesty by an Act passed in the session holden in the twenty-first and twenty-second years of Her Majesty's reign, intituled "An Act to provide for the Government of British Columbia," Her Majesty did, by an Order in Council bearing date the eleventh day of June, one thousand eight hundred and sixty-three, constitute a Legislature consisting of the Governor and a Legislative Council in the said colony of British Columbia:

And whereas by the "British Columbia Act of 1866," Vancouver Island was united to British Columbia and made subject to the said Legislature, and the number of the Legislative Council was increased so as to provide for the representation of Vancouver Island:

And whereas it is expedient to alter the constitution of the said Legislature:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "British Columbia Government Act, 1870."
2. For the purposes of this Act the term "Governor" shall mean the officer for the time being administering the Government of British Columbia.
3. Her Majesty may, by any Order or Orders in Council, revoke the said recited Order in Council, and may from time to time make, and when made revoke or alter, Orders in Council for constituting a Legislature consisting of the Governor and a Legislative Council for the said Colony, and may by any such Order make such provisions and regulations respecting the constitution, powers and proceedings of the said Legislature or either branch thereof, the number, the appointment and election of the members of the Legislative Council, their tenure of office and generally in respect to such Legislature or either branch thereof, as may seem to her expedient.
4. Her Majesty may from time to time, by any such Order or Orders in Council, empower the Governor of the said colony, with or without any conditions or restrictions, by proclamations to determine the qualification of electors and of elective members of the Legislative Council and to make provision for the division of the said colony into convenient electoral districts; for the registration of persons qualified to vote, and the compilation and revision of lists of all such persons; for the appointment of returning officers; for the issuing, executing and returning the necessary writs for the election of members to the said Legislative Council; for taking the poll thereat, and determining the validity of all disputed returns; and generally for securing the orderly, effective and impartial conduct of such elections, and to revoke any proclamation previously made.

## VI

### THE TERMS OF UNION

1. Canada shall be liable for the debts and liabilities of British Columbia existing at the time of the Union.

2. British Columbia not having incurred debts equal to those of the other Provinces now constituting the Dominion, shall be entitled to receive, by half-yearly payments, in advance, from the General Government, interest at the rate of five per cent per annum on the difference

between the actual amount of its indebtedness at the date of the Union and the indebtedness per head of the population of Nova Scotia and New Brunswick (27.77 dollars), the population of British Columbia being taken at 60,000.

3. The following sums shall be paid by Canada to British Columbia for the support of its Government and Legislature, to wit, an annual subsidy of 35,000 dollars, and an annual grant equal to 80 cents per head of the said population of 60,000, both half-yearly in advance; such grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shown by each subsequent decennial census, until the population, amounts to 400,000, at which rate such grant shall thereafter remain, it being understood that the first census be taken in the year 1881.

4. The Dominion will provide an efficient mail service, fortnightly, by steam communication, between Victoria and San Francisco, and twice a week between Victoria and Olympia; the vessels to be adapted for the conveyance of freight and passengers.

5. Canada will assume and defray the charges for the following services:—

- A. Salary of the Lieutenant-Governor;
- B. Salaries and allowances of the Judges of the Superior Courts and the County or District Courts;
- C. The charges in respect to the Department of Customs;
- D. The Postal and Telegraphic Services;
- E. Protection and encouragement of Fisheries;
- F. Provision for the Militia;
- G. Lighthouses, Buoys, and Beacons, Shipwrecked Crews, Quarantine and Marine Hospitals, including a Marine Hospital at Victoria;
- H. The Geological Survey;
- I. The Penitentiary.

And such further charges as may be incident to and connected with the services which, by the "British North America Act of 1867," appertain to the General Government, and as are or may be allowed to the other Provinces.

6. Suitable pensions, such as shall be approved of by Her Majesty's Government, shall be provided by the Government of the Dominion for those of Her Majesty's servants in the Colony whose position and emoluments derived therefrom would be affected by political changes on the admission of British Columbia into the Dominion of Canada.

7. It is agreed that the existing Customs Tariff and Excise Duties shall continue in force in British Columbia until the Railway from the Pacific Coast and the system of Railways in Canada are connected, unless the Legislature of British Columbia should sooner decide to accept the tariff and excise laws of Canada. When customs and excise duties are, at the time of the union of British Columbia with Canada, leviable on any goods, wares, or merchandises in British Columbia, or in the other Provinces of the Dominion, those goods, wares, and merchandises may, from and after the union, be imported into British Columbia from the Provinces now composing the Dominion, or from either of those Provinces into British Columbia, on proof of payment of the customs or excise duties leviable thereon in the Province of exportation, and on payment of such further amount (if any) of customs or excise duties as are leviable thereon in the Province of importation. This arrangement to have no force or effect after the assimilation of the tariff and excise duties of British Columbia with those of the Dominion.

8. British Columbia shall be entitled to be represented in the Senate by three members, and by six members in the House of Commons. The representation to be increased under the provisions of the "British North America Act, 1867."

9. The influence of the Dominion Government will be used to secure the continued maintenance of the naval station at Esquimalt.

10. The provisions of the "British North America Act, 1867," shall (except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to and only affect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this Minute) be applicable to British Columbia, in the same way and to the like intent as they apply to the other Provinces of the Dominion, and as if the Colony of British Columbia had been one of the Provinces originally united by the said Act.

11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the Union, of the construction of a Railway from the Pacific towards the Rocky Mountains, and from such point as may be selected, east of the Rocky

Mountains, towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada; and further, to secure the completion of such Railway within ten years from the date of the Union.

And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in the furtherance of the construction of the said Railway, a similar extent of public lands along the line of Railway, throughout its entire length in British Columbia, not to exceed, however, Twenty (20) Miles on each side of the said line, as may be appropriated for the same purpose by the Dominion Government from the public lands in the North-West Territories and the Province of Manitoba. Provided, that the quantity of lands which may be held under preemption right or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous public lands; and, provided, further, that until the commencement within two years, as aforesaid, from the date of the Union, of the construction of the said Railway, the Government of British Columbia shall not sell or alienate any further portions of the public lands of British Columbia in any other way than under right of preemption, requiring actual residence of the preemptor on the land claimed by him. In consideration of the land to be so conveyed in aid of the construction of the said Railway, the Dominion Government agree to pay to British Columbia, from the date of the Union, the sum of 100,000 dollars per annum, in half-yearly payments in advance.

12. The Dominion Government shall guarantee the interest for ten years from the date of the completion of the works, at the rate of five per centum per annum, on such sum, not exceeding 100,000 sterling, as may be required for the construction of a first class Graving Dock at Esquimalt.

13. The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians, on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

14. The constitution of the Executive Authority and of the Legislature of British Columbia shall, subject to the provisions of the "British North America Act, 1867," continue as existing at the time of the Union until altered under the authority of the said Act, it being at the same time understood that the Government of the Dominion will readily consent to the introduction of Responsible Government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia under the authority of the Secretary of State for the Colonies, to amend the existing constitution of the Legislature by providing that a majority of its members shall be elective.

The Union shall take effect according to the foregoing terms and conditions on such day as Her Majesty, by and with the advice of Her Most Honourable Privy Council, may appoint, on Addresses from the Legislature of the Colony of British Columbia and of the Houses of Parliament of Canada, in the terms of the 146th Section of the "British North America Act, 1867," and British Columbia may in its Address specify the Electoral Districts for which the first election of members to serve in the House of Commons shall take place.

## VII

### BRITISH NORTH AMERICA ACT

AN ACT FOR THE UNION OF CANADA, NOVA SCOTIA, AND NEW BRUNSWICK, AND THE GOVERNMENT THEREOF; AND FOR PURPOSES CONNECTED THEREWITH

(29th March, 1867)

WHEREAS the Provinces of Canada, Nova Scotia and New Brunswick, have expressed their desire to be federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in principle to that of the United Kingdom:



And whereas such a Union would conduce to the welfare of the Provinces and promote the Interests of the British Empire:

And whereas on the establishment of the Union by authority of Parliament it is expedient, not only that the Constitution of the Legislative authority in the Dominion be provided for, but also that the nature of the Executive Government therein be declared:

And whereas it is expedient that provision be made for the eventual admission into the Union of other parts of British North America:

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

#### I. PRELIMINARY

1. This Act may be cited as the "British North America Act, 1867."
2. The provisions of this Act referring to Her Majesty the Queen, extend also to the heirs and successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

#### II. UNION

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being more than six months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be one Dominion under the name of Canada; and on and after that day, those three Provinces shall form and be one Dominion under that name accordingly.

4. The subsequent provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the day appointed for the Union taking effect in the Queen's Proclamation; and in the same provisions unless it is otherwise expressed or implied, the name Canada shall be taken to mean Canada as constituted under this Act.

5. Canada shall be divided into four Provinces, named Ontario, Quebec, Nova Scotia and New Brunswick.

6. The parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be severed, and shall form two separate Provinces. The part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

7. The Provinces of Nova Scotia and New Brunswick shall have the same limits as at the passing of this Act.

8. In the general census of the population of Canada which is hereby required to be taken in the year One thousand eight hundred and seventy-one, and in every tenth year thereafter, the respective populations of the four Provinces shall be distinguished.

#### III. EXECUTIVE POWER

9. The Executive Government and authority of and over Canada is hereby declared to continue and be vested in the Queen.

10. The provisions of this Act referring to the Governor-General extend and apply to the Governor-General for the time being of Canada, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of Canada on behalf and in the name of the Queen, by whatever title he is designated.

11. There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be Members of that Council shall be from time to time chosen and summoned by the Governor-General and sworn in as Privy Councillors, and Members thereof may be from time to time removed by the Governor-General.

12. All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, are at the Union vested in or exercisable by the respective Governors or Lieutenant-Governors of those Provinces, with the advice, or with the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exercisable by the Governor-General with the advice, or with the advice and consent, of or in conjunction with the Queen's Privy Council for Canada, or any Member thereof, or by the Governor-General individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

13. The provisions of this Act referring to the Governor-General in Council shall be construed as referring to the Governor-General acting by and with the advice of the Queen's Privy Council for Canada.

14. It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor-General from time to time to appoint any person or any persons, jointly or severally, to be his deputy or deputies within any part or parts of Canada, and in that capacity to exercise, during the pleasure of the Governor-General, such of the powers, authorities, and functions of the Governor-General, as the Governor-General deems it necessary or expedient to assign to him or them, subject to any limitations or directions expressed or given by the Queen; but the appointment of such a deputy or deputies shall not affect the exercise by the Governor-General himself of any power, authority, or functions.

15. The Command-in-Chief of the Land and Naval Militia, and of all Naval or Military forces, of and in Canada, is hereby declared to continue and be vested in the Queen.

16. Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

#### IV. LEGISLATIVE POWER

17. There shall be one Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

18. The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the Members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the Members thereof.

19. The Parliament of Canada shall be called together not later than six months after the Union.

20. There shall be a Session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session and its first sitting in the next Session.

#### *The Senate*

21. The Senate shall, subject to the provisions of this Act, consist of seventy-two Members, who shall be styled Senators.

22. In relation to the constitution of the Senate, Canada shall be deemed to consist of three divisions,

(1.) Ontario:

(2.) Quebec:

(3.) The Maritime Provinces, Nova Scotia, and New Brunswick; which three divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows:—Ontario by Twenty-four Senators; Quebec by Twenty-four Senators; and the Maritime Provinces by Twenty-four Senators, Twelve thereof representing Nova Scotia, and Twelve thereof representing New Brunswick.

In the case of Quebec each of the twenty-four Senators representing that Province shall be appointed for one of the twenty-four Electoral Divisions of Lower Canada specified in Schedule A to Chapter One of the Consolidated Statutes of Canada.

23. The qualification of a Senator shall be as follows:—

(1.) He shall be of the full age of thirty years:

(2.) He shall be either a natural-born subject of the Queen, or a subject of the Queen naturalized by an Act of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of one of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the Union, or of the Parliament of Canada after the Union:

(3.) He shall be legally or equitably seised as of freehold for his own use and benefit of lands or tenements held in free and common soccage, or seised or possessed for his own use and benefit of lands or tenements held in franc-alieu or in roture, within the Province for which he is appointed, of the value of Four thousand dollars over and above all rents, dues, debts, charges, mortgages, and incumbrances due or payable out of or charged on or affecting the same:

(4.) His real and personal property shall be together worth Four thousand dollars over and above his debts and liabilities:

(5.) He shall be resident in the Province for which he is appointed:

(6.) In the case of Quebec he shall have his real property qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

24. The Governor-General shall from time to time, in the Queen's name by instrument under the Great Seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this Act every person so summoned shall become and be a Member of the Senate and a Senator.

25. Such persons shall be first summoned to the Senate as the Queen by Warrant under Her Majesty's Royal Sign Manual thinks fit to approve, and their names shall be inserted in the Queen's Proclamation of Union.

26. If at any time, on the recommendation of the Governor-General, the Queen thinks fit to direct that three or six Members be added to the Senate, the Governor-General may by summons to three or six qualified persons (as the case may be), representing equally the three divisions of Canada, add to the Senate accordingly.

27. In case of such addition being at any time made the Governor-General shall not summon any person to the Senate, except on a further like direction by the Queen on the like recommendation, until each of the three divisions of Canada is represented by twenty-four Senators and no more.

28. The number of Senators shall not at any time exceed seventy-eight.

29. A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

30. A Senator may by writing under his hand, addressed to the Governor-General, resign his place in the Senate, and thereupon the same shall be vacant.

31. The place of a Senator shall become vacant in any of the following cases:—

(1.) If for two consecutive Sessions of the Parliament he fails to give his attendance in the Senate:

(2.) If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience, or adherence to a Foreign Power, or does an act whereby he becomes a Subject of Citizen, or entitled to the rights or privileges of a Subject or Citizen of a Foreign Power:

(3.) If he is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter:

(4.) If he is attainted of treason or convicted of felony or of any infamous crime:

(5.) If he ceases to be qualified in respect of property or of residence; provided that a Senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the Seat of the Government of Canada while holding an office under that Government requiring his presence there.

32. When a vacancy happens in the Senate by resignation, death, or otherwise, the Governor-General shall by summons to a fit and qualified person fill the vacancy.

33. If any question arises respecting the qualification of a Senator, or a vacancy in the Senate, the same shall be heard and determined by the Senate.

34. The Governor-General may from time to time, by instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his stead.

35. Until the Parliament of Canada otherwise provides, the presence of at least fifteen Senators, including the Speaker, shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

36. Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

### *The House of Commons*

37. The House of Commons shall, subject to the provisions of this Act, consist of One hundred and eighty-one Members, of whom Eighty-two shall be elected for Ontario, Sixty-five for Quebec, Nineteen for Nova Scotia, and Fifteen for New Brunswick.

38. The Governor-General shall from time to time, in the Queen's name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.

39. A Senator shall not be capable of being elected or of sitting or voting as a Member of the House of Commons.

40. Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick, shall, for the purposes of the Election of Members to serve in the House of Commons, be divided into Electoral Districts, as follows:—

#### 1. Ontario

Ontario shall be divided into the Counties, Ridings of Counties, Cities, Parts of Cities, and Towns enumerated in the First Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return one Member.

#### 2. Quebec

Quebec shall be divided into Sixty-five Electoral Districts, composed of the Sixty-five Electoral Divisions into which the Lower Canada is, at the passing of this Act, divided under Chapter Two of the Consolidated Statutes of Canada, Chapter Seventy-five of the Consolidated Statutes of Lower Canada, and the Act of the Province of Canada of the Twenty-third year of the Queen, Chapter One, or any other Act amending the same in force at the Union, so that each such Electoral Division shall be for the purposes of this Act an Electoral District entitled to return One Member.

#### 3. Nova Scotia

Each of the Eighteen Counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return Two Members, and each of the other Counties One Member.

#### 4. New Brunswick

Each of the Fourteen Counties into which New Brunswick is divided, including the City and County of St. John, shall be an Electoral District. The City of St. John shall also be a separate Electoral District. Each of those Fifteen Electoral Districts shall be entitled to return One Member.

41. Until the Parliament of Canada otherwise provides, all laws in force in the several Provinces at the Union relative to the following matters or any of them, namely:—The qualifications and disqualifications of persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces; the Voters at Elections of such Members; the oaths to be taken by Voters; the Returning Officers, their powers and duties; the proceedings at Elections; the periods during which Elections may be continued; the trial of Controverted Elections, and proceedings incident thereto; the vacating of seats of Members, and the execution of new Writs in case of seats vacated otherwise than by dissolution,—shall respectively apply



to Elections of Members to serve in the House of Commons for the same several Provinces: Provided that, until the Parliament of Canada otherwise provides, at any Election for a Member of the House of Commons for the District of Algoma, in addition to persons qualified by the law of the Province of Canada to vote, every male British Subject, aged Twenty-one years or upwards, being a householder, shall have a vote.

42. For the first Election of Members to serve in the House of Commons, the Governor-General shall cause Writs to be issued by such person, in such form, and addressed to such Returning Officers as he thinks fit.

The person issuing Writs under this Section shall have the like powers as are possessed at the Union by the Officers charged with the issuing of Writs for the Election of Members to serve in the respective House of Assembly or Legislative Assembly of the Provinces of Canada, Nova Scotia, or New Brunswick; and the Returning Officers to whom Writs are directed under this Section shall have the like powers as are possessed at the Union by the Officers charged with the returning of Writs for the Election of Members to serve in the same respective House of Assembly or Legislative Assembly.

43. In case a vacancy in the representation in the House of Commons of any Electoral District happens before the meeting of the Parliament, or after the meeting of the Parliament before provision is made by the Parliament in this behalf, the provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such vacant District.

44. The House of Commons on its first assembling after a General Election shall proceed, with all practicable speed, to elect one of its members to be Speaker.

45. In case of a vacancy happening in the office of Speaker by death, resignation, or otherwise, the House of Commons shall, with all practicable speed, proceed to elect another of its members to be Speaker.

46. The Speaker shall preside at all meetings of the House of Commons.

47. Until the Parliament of Canada otherwise provides, in case of the absence for any reason of the Speaker from the chair of the House of Commons for a period of forty-eight consecutive hours, the House may elect another of its members to act as Speaker, and the member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges and duties of Speaker.

48. The presence of at least Twenty Members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a Member.

49. Questions arising in the House of Commons shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

50. Every House of Commons shall continue for Five years from the day of the return of the Writs for choosing the House (subject to be sooner dissolved by the Governor-General), and no longer.

51. On the completion of the census in the year One thousand eight hundred and seventy-one, and of each subsequent decennial census, the representation of the four Provinces shall be readjusted by such authority, in such manner, and for such time, as the Parliament of Canada from time to time provides, subject and according to the following rules:—

(1.) Quebec shall have the fixed number of Sixty-five Members:

(2.) There shall be assigned to each of the other Provinces such a number of Members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained):

(3.) In the computation of the number of Members for a Province a fractional part not exceeding one-half of the whole number requisite for entitling the Province to a Member shall be disregarded; but a fractional part exceeding one-half of that number shall be equivalent to the whole number:

(4.) On any such readjustment the number of Members for a Province shall not be reduced unless the proportion which the number of the population of the Province bore to the number of the aggregate population of Canada at the then last preceding readjustment of the number of Members for the Province is ascertained at the then latest census to be diminished by one-twentieth part or upwards:

(5.) Such readjustment shall not take effect until the termination of the then existing Parliament.

52. The number of Members of the House of Commons may be from time to time increased by the Parliament of Canada, provided the proportionate representation of the Provinces prescribed by this Act is not thereby disturbed.

*Money Votes; Royal Assent.*

53. Bills for appropriating any part of the Public Revenue, or for imposing any tax or impost, shall originate in the House of Commons.

54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the appropriation of any part of the Public Revenue, or of any Tax or Impost, to any purpose that has not been first recommended to that House by Message of the Governor-General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

55. Where a Bill passed by the Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's name, or that he withholds the Queen's assent, or that he reserves the bill for the signification of the Queen's pleasure.

56. Where the Governor-General assents to a Bill in the Queen's name, he shall, by the first convenient opportunity, send an authentic copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council within two years after receipt thereof by the Secretary of State, thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him), being signified by the Governor-General, by Speech or Message, to each of the Houses of the Parliament, or by Proclamation, shall annul the Act from and after the day of such signification.

57. A Bill reserved for the signification of the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen's Assent, the Governor-General signifies, by Speech or Message to each of the Houses of the Parliament, or by Proclamation, that it has received the Assent of the Queen in Council.

An entry of every such Speech, Message, or Proclamation shall be made in the Journals of each House, and a duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of Canada.

V. PROVINCIAL CONSTITUTION

*Executive Power.*

58. For each Province there shall be an Officer, styled the Lieutenant-Governor, appointed by the Governor-General in Council by Instrument under the Great Seal of Canada.

59. A Lieutenant-Governor shall hold office during the pleasure of the Governor-General; but any Lieutenant-Governor appointed after the commencement of the first Session of the Parliament of Canada shall not be removable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by Message to the Senate and to the House of Commons within one week thereafter if the Parliament is then sitting, and if not, then within one week after the commencement of the next Session of the Parliament.

60. The Salaries of the Lieutenant-Governor shall be fixed and provided by the Parliament of Canada.

61. Every Lieutenant-Governor shall, before assuming the duties of his office, make and subscribe before the Governor-General, or some person authorized by him, Oaths of Allegiance and Office similar to those taken by the Governor-General.

62. The provisions of this Act referring to the Lieutenant-Governor extend and apply to the Lieutenant-Governor for the time being of each Province, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of the Province, by whatever title he is designated.

63. The Executive Council of Ontario and of Quebec shall be composed of such persons as the Lieutenant-Governor from time to time thinks fit, and in the first instance of the following Officers, namely: the Attorney-General, the Secretary and Registrar of the Province, The Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, with, in Quebec, the Speaker of the Legislative Council, and Solicitor-General.

64. The Constitution of the Executive Authority in each of the Provinces of Nova Scotia and New Brunswick, shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the authority of this Act.

65. All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exercisable by the respective Governors or Lieutenant-Governors of those Provinces, with the advice, or with the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant-Governor of Ontario and Quebec respectively, with the advice, or with the advice and consent of, or in conjunction with the respective Executive Councils, or any Members thereof, or by the Lieutenant-Governor individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the respective Legislatures of Ontario and Quebec.

66. The provisions of this Act referring to the Lieutenant-Governor in Council shall be construed as referring to the Lieutenant-Governor of the Province acting by and with the advice of the Executive Council thereof.

67. The Governor-General in Council may from time to time appoint an Administrator to execute the office and functions of Lieutenant-Governor during his absence, illness, or other inability.

68. Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the seats of Government of the Provinces shall be as follows, namely,—of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick, the City of Fredericton.

#### *Legislative Power.*

##### 1. Ontario

69. There shall be a Legislature for Ontario consisting of the Lieutenant-Governor and of one House, styled the Legislative Assembly of Ontario.

70. The Legislative Assembly of Ontario shall be composed of Eighty-two Members, to be elected to represent the Eighty-two Electoral Districts set forth in the First Schedule to this Act.

##### 2. Quebec

71. There shall be a Legislature for Quebec consisting of the Lieutenant-Governor and of two Houses, styled the Legislative Council of Quebec and of the Legislative Assembly of Quebec.

72. The Legislative Council of Quebec shall be composed of Twenty-four Members, to be appointed by the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Quebec, one being appointed to represent each of the Twenty-four Electoral Divisions of Lower Canada in this Act referred to, and each holding office for the term of his life, unless the Legislature of Quebec otherwise provides under the provisions of this Act.

73. The qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec.

74. The place of a Legislative Councillor of Quebec shall become vacant in the cases, *mutatis mutandis*, in which the place of Senator becomes vacant. •

75. When a vacancy happens in the Legislative Council of Quebec by resignation, death, or otherwise, the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Quebec, shall appoint a fit and qualified person to fill the vacancy.

76. If any question arises respecting the qualification of a Legislative Councillor of Quebec, or a vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council.

77. The Lieutenant-Governor may from time to time, by Instrument under the Great Seal of Quebec, appoint a member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his stead.

78. Until the Legislature of Quebec otherwise provides, the presence of at least ten Members of the Legislative council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers.

79. Questions arising in the Legislative Council of Quebec shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

80. The Legislative Assembly of Quebec shall be composed of Sixty-five Members, to be elected to represent the Sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to alteration thereof by the Legislature of Quebec: Provided that it shall not be lawful to present to the Lieutenant-Governor of Quebec for assent any Bill for altering the limits of any of the Electoral Divisions or Districts mentioned in the Second Schedule to this Act, unless the second and third readings of such Bill have been passed in the Legislative Assembly with the concurrence of the majority of the Members representing all those Electoral Divisions or Districts, and the assent shall not be given to such Bill unless an address has been presented by the Legislative Assembly to the Lieutenant-Governor stating that it has been so passed.

### 3. Ontario and Quebec

81. The Legislatures of Ontario and Quebec respectively shall be called together not later than six months after the Union.

82. The Lieutenant-Governor of Ontario and of Quebec shall, from time to time, in the Queen's name, by Instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province.

83. Until the Legislature of Ontario or of Quebec otherwise provides, a person accepting or holding in Ontario or in Quebec any office, commission, or employment, permanent or temporary, at the nomination of the Lieutenant-Governor, to which an annual salary, or any fee, allowance, emolument, or profit of any kind or amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Provinces, nor shall he sit or vote as such; but nothing in this Section shall make ineligible any person being a Member of the Executive Council of the respective Provinces, or holding any of the following offices, that is to say:—the offices of Attorney-General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor-General, or shall disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such office.

84. Until the Legislatures of Ontario and Quebec respectively otherwise provide, all laws which at the Union are in force in those Provinces respectively, relative to the following matters, or any of them, namely,—the qualifications and disqualifications of persons to be elected or to sit or vote as Members of the Assembly of Canada, the qualifications or disqualifications of voters, the oaths to be taken by voters, the Returning Officers, their powers and duties, the proceedings at Elections, the periods during which such Elections may be continued, and the trial of controverted Elections and the proceedings incident thereto, the vacating of the seats of Members and the issuing and execution of new Writs in case of seats vacated otherwise than by dissolution, shall respectively apply to Elections of Members to serve in the respective Legislative Assemblies of Ontario and Quebec.

Provided that until the Legislature of Ontario otherwise provides, at any Election for a member of the Legislative Assembly of Ontario for the District of Algoma, in addition to persons qualified by the law of the Province of Canada to vote, every male British subject, aged twenty-one years or upwards, being a householder, shall have a vote.



85. Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for Four Years from the day of the return of the Writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the Lieutenant-Governor of the Province), and no longer.

86. There shall be a Session of the Legislature of Ontario and of that of Quebec once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in each Province in one session and its first sitting in the next Session.

87. The following provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say,—the provisions relating to the Election of a Speaker originally and on vacancies, the duties of the Speaker, the absence of the Speaker, the quorum, and the mode of voting, as if those provisions were here reenacted and made applicable in terms to each such Legislative Assembly.

#### 4. Nova Scotia and New Brunswick

88. The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the authority of this Act; and the House of Assembly of New Brunswick existing at the passing of this Act shall, unless sooner dissolved, continue for the period for which it was elected.

#### 5. Ontario, Quebec, and Nova Scotia

89. Each of the Lieutenant-Governors of Ontario, Quebec, and Nova Scotia shall cause Writs to be issued for the first Election of Members of the Legislative Assembly thereof, in such form and by such person as he thinks fit, and at such time and addressed to such Returning Officer as the Governor-General directs, and so that the first Election of a Member of Assembly for any Electoral District or any subdivision thereof shall be held at the same time and at the same places as the Election for a Member to serve in the House of Commons of Canada for that Electoral District.

#### 6. The Four Provinces

90. The following provisions of this Act respecting the Parliament of Canada, namely,—the provisions relating to appropriation and tax Bills, the recommendation of money votes, the assent to Bills, the disallowance of Acts, and the signification of pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those provisions were here re-enacted and made applicable in terms to the respective Provinces and the Legislatures thereof, with the substitution of the Lieutenant-Governor of the Province for the Governor-General, of the Governor-General for the Queen and for a Secretary of State, of one year for two years, and of the Province for Canada.

### VI. DISTRIBUTION OF LEGISLATIVE POWERS

#### *Powers of the Parliament*

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

- (1.) The Public Debt and Property:
- (2.) The Regulation of Trade and Commerce:
- (3.) The raising of money by any mode or system of Taxation:
- (4.) The borrowing of money on the Public Credit:

- (5.) Postal Service:
- (6.) The Census and Statistics:
- (7.) Militia, Military and Naval Service and Defence:
- (8.) The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada:
- (9.) Beacons, Buoys, Lighthouses, and Sable Island:
- (10.) Navigation and Shipping:
- (11.) Quarantine and the establishment and maintenance of Marine Hospitals:
- (12.) Sea Coast and Inland Fisheries:
- (13.) Ferries between a Province and any British or Foreign Country or between two Provinces:
- (14.) Currency and Coinage:
- (15.) Banking, Incorporation of Banks, and the Issue of Paper Money:
- (16.) Savings Banks:
- (17.) Weights and Measures:
- (18.) Bills of Exchange and Promissory Notes:
- (19.) Interest:
- (20.) Legal Tender:
- (21.) Bankruptcy and Insolvency:
- (22.) Patents of Invention and Discovery:
- (23.) Copyrights:
- (24.) Indians, and Lands reserved for the Indians:
- (25.) Naturalization and Aliens:
- (26.) Marriage and Divorce:
- (27.) The Criminal Law, except the constitution of Courts of Criminal Jurisdiction, but including the procedure in Criminal matters:
- (28.) The Establishment, Maintenance, and Management of Penitentiaries:
- (29.) Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces:

And any matter coming within any of the classes of subjects enumerated in this Section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

*Exclusive Powers of Provincial Legislatures*

92. In each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

(1.) The amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant-Governor:

(2.) Direct Taxation within the Province in order to the raising of a Revenue for Provincial purposes:

(3.) The borrowing of money on the sole credit of the Province:

(4.) The establishment and tenure of Provincial Offices, and the appointment and payment of Provincial Officers:

(5.) The management and sale of the Public Lands belonging to the Province, and of the timber and wood thereon:

(6.) The establishment, maintenance, and management of Public and Reformatory Prisons in and for the Province:

(7.) The establishment, maintenance, and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Provinces, other than Marine Hospitals:

(8.) Municipal Institutions in the Province:

(9.) Shops, Saloons, Tavern, Auctioneer, and other Licenses, in order to the raising of a Revenue for Provincial, Local, or Municipal purposes:

(10.) Local works and undertakings other than such as are of the following classes:—

(a.) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province:

- (b.) Lines of Steam Ships between the Province and any British or Foreign Country:
- (c.) Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the advantage of two or more of the Provinces:
- (11.) The Incorporation of Companies with Provincial objects:
- (12.) The Solemnization of Marriage in the Province:
- (13.) Property and civil rights in the Province:
- (14.) The Administration of Justice in the Province, including the constitution, maintenance, and organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including procedure in civil matters in those Courts:
- (15.) The imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this Section:
- (16.) Generally all matters of a merely local or private nature in the Province.

#### *Education*

93. In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:—

(1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by law in the Province at the Union:

(2.) All the powers, privileges, and duties at the Union by law conferred and imposed in Upper Canada on the separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:

(3.) Where in any Province a system of separate or Dissentient Schools exists by law at the Union or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's Subjects in relation to education:

(4.) In case any such Provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this Section is not made, or in case any decision of the Governor-General in Council on any appeal under this Section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this Section and of any decision of the Governor-General in Council under this Section.

#### *Uniformity of Laws in Ontario, Nova Scotia, and New Brunswick*

94. Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and of the procedure of all or any of the Courts in those three Provinces, and from and after the passing of any Act in that behalf, the power of the Parliament of Canada to make laws in relation to any matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted; but any Act of the Parliament of Canada making provision for such uniformity shall not have effect in any Province unless and until it is adopted and enacted as law by the Legislature thereof.

#### *Agriculture and Immigration*

95. In each Province the Legislature may make laws in relation to Agriculture and in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to Agriculture in all or any of the Provinces, and to immigration into all or any of the Provinces; and any law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

## VII. A JUDICATURE

96. The Governor-General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

97. Until the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and the procedure of the Courts in those Provinces, are made uniform, the Judges of the Courts of those Provinces appointed by the Governor-General shall be selected from the respective Bars of those Provinces.

98. The Judges of the Courts of Quebec shall be selected from the Bar of that Province.

99. The Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor-General on address of the Senate and House of Commons.

100. The salaries, allowances, and pensions of the Judges of the Superior, District, and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick), and of the Admiralty Courts in cases where the Judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada.

101. The Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance, and organization of a General Court of Appeal for Canada, and for the establishment of any additional Courts for the better Administration of the Laws of Canada.

## VIII. REVENUES; DEBTS; ASSETS; TAXATION.

102. All Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one Consolidated Revenue Fund, to be appropriated for the public service of Canada in the manner and subject to the charges in This Act provided.

103. The Consolidated Revenue Fund of Canada shall be permanently charged with the costs, charges, and expenses incident to the collection, management, and receipt thereof, and the same shall form the first charge thereon, subject to be reviewed and audited in such manner as shall be ordered by the Governor-General in Council until the Parliament otherwise provides.

104. The annual interest of the public debts of the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union shall form the second charge on the Consolidated Revenue Fund of Canada.

105. Unless altered by the Parliament of Canada, the salary of the Governor-General shall be Ten Thousand Pounds sterling money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of Canada, and the same shall form the third charge thereon.

106. Subject to the several payments by this Act charged on the Consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the public service.

107. All Stocks, Bankers' Balances, and Securities for money belonging to each Province at the time of the Union, except as in this Act mentioned, shall be the property of Canada, and shall be taken in reduction of the amount of the respective debts of the Provinces at the Union.

108. The Public Works and Property of each Province, enumerated in the Third Schedule to this Act, shall be the property of Canada.

109. All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.

110. All Assets connected with such portions of the Public Debt of each Province as are assumed by that Province shall belong to that Province.

111. Canada shall be liable for the Debts and Liabilities of each Province existing at the Union.



112. Ontario and Quebec conjointly shall be liable to Canada for the amount (if any) by which the debt of the Province of Canada exceeds at the Union Sixty-two million five hundred thousand Dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

113. The Assets enumerated in the Fourth Schedule to this Act, belonging at the Union to the Province of Canada, shall be the property of Ontario and Quebec conjointly.

114. Nova Scotia shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union Eight million Dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

115. New Brunswick shall be liable to Canada for the Amount (if any) by which its public debt exceeds at the Union Seven million Dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

116. In case the public debts of Nova Scotia and New Brunswick do not at the Union amount to Eight million and Seven million Dollars respectively, they shall respectively receive, by half-yearly payments in advance from the Government of Canada, interest at five per centum per annum on the difference between the actual amounts of their respective debts and such stipulated amounts.

117. The several provinces shall retain all their respective public property not otherwise disposed of in this Act subject to the right of Canada to assume any lands or public property required for fortifications or for the defence of the country.

118. The following sums shall be paid yearly by Canada to the several Provinces for the support of their Governments and Legislatures:—

	Dollars.
Ontario .....	Eighty Thousand.
Quebec .....	Seventy Thousand.
Nova Scotia .....	Sixty Thousand.
New Brunswick .....	Fifty Thousand.

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Two Hundred and Sixty Thousand;

and an annual grant in aid of each Province shall be made, equal to Eighty Cents per head of the population as ascertained by the census of One thousand eight hundred and sixty-one, and in the case of Nova Scotia and New Brunswick, by each subsequent decennial census until the population of each of those two Provinces amounts to Four hundred thousand souls, at which rate such grant shall thereafter remain. Such grants shall be in full settlement of all future demands on Canada, and shall be paid half-yearly in advance to each Province; but the Government of Canada shall deduct from such grants, as against any Province, all sums chargeable as interest on the public debt of that Province in excess of the several amounts stipulated in this Act.

119. New Brunswick shall receive by half-yearly payments in advance from Canada for the period of ten years from the Union an additional allowance of Sixty-three thousand Dollars per annum; but as long as the public debt of that Province remains under Seven million Dollars, a deduction equal to the interest at five per centum per annum on such deficiency shall be made from that allowance of Sixty-three thousand Dollars.

120. All payments to be made under this Act, or in discharge of liabilities created under any Act of the Provinces of Canada, Nova Scotia, and New Brunswick respectively, and assumed by Canada, shall, until the Parliament of Canada otherwise directs, be made in such form and manner as may from time to time be ordered by the Governor-General in Council.

121. All articles of the growth, produce, or manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

122. The Customs and Excise Laws of each Province shall, subject to the provisions of this Act, continue in force until altered by the Parliament of Canada.

123. Where Customs Duties are, at the Union, leviable on any goods, wares, or merchandises in any two Provinces, those goods, wares, and merchandises may, from and after the Union, be imported from one of those Provinces into the other of them on proof of payment of the Customs Duty leviable thereon in the Province of exportation, and on payment of such further amount (if any) of Customs Duty as is leviable thereon in the Province of importation.

124. Nothing in this Act shall affect the right of New Brunswick to levy the lumber dues provided in Chapter Fifteen of Title Three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union, and not increasing the amount of such dues; but the lumber of any of the Provinces other than New Brunswick shall not be subject to such dues.

125. No Lands or Property belonging to Canada or any Province shall be liable to taxation.

126. Such portions of the Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick had before the Union power of appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all Duties and Revenues raised by them in accordance with the special powers conferred upon them by this Act, shall in each Province form one Consolidated Revenue Fund to be appropriated for the Public Service of the Province.

#### IX. MISCELLANEOUS PROVISIONS

##### *General*

127. If any person being, at the passing of this Act, a Member of the Legislative Council of Canada, Nova Scotia, or New Brunswick, to whom a place in the Senate is offered, does not within thirty days thereafter, by writing under his hand addressed to the Governor-General of the Province of Canada, or to the Lieutenant-Governor of Nova Scotia or New Brunswick (as the case may be), accept the same, he shall be deemed to have declined the same; and any person who, being at the passing of this Act a Member of the Legislative Council of Nova Scotia or New Brunswick, accepts a place in the Senate shall thereby vacate his Seat in such Legislative Council.

128. Every Member of the Senate or House of Commons of Canada shall, before taking his Seat therein, take and subscribe before the Governor-General or some person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall, before taking his Seat therein, take and subscribe before the Lieutenant-Governor of the Province, or some person authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall also, before taking his Seat therein, take and subscribe before the Governor-General, or some person authorized by him, the Declaration of Qualification contained in the same Schedule.

129. Except as otherwise provided by this Act, all laws in force in Canada, Nova Scotia, or New Brunswick at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers, and Authorities, and all Officers, Judicial, Administrative, and Ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the authority of the Parliament or of that Legislature under this Act.

130. Until the Parliament of Canada otherwise provides, all Officers of the several Provinces having duties to discharge in relation to matters other than those coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces shall be Officers of Canada, and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities, and penalties as if the Union had not been made.

131. Until the Parliament of Canada otherwise provides, the Governor-General in Council may from time to time appoint such Officers as the Governor-General in Council deems necessary or proper for the effectual execution of this Act.

132. The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any Province thereof, as part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries.

133. Either the English or French language may be used by any person in the debates of the Houses of Parliament of Canada and of the Houses of the Legislature of Quebec; and

both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any Court of Canada, established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages.

*Ontario and Quebec*

134. Until the Legislature of Ontario or of Quebec otherwise provides, the Lieutenant-Governors of Ontario and Quebec may each appoint, under the Great Seal of the Province, the following Officers, to hold office during pleasure, that is to say,—the Attorney-General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, and in the case of Quebec the Solicitor General; and may, by order of the Lieutenant-Governor in Council, from time to time prescribe the duties of those Officers and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof; and may also appoint other and additional Officers to hold office during pleasure, and may from time to time prescribe the duties of those Officers, and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof.

135. Until the Legislature of Ontario or Quebec otherwise provides, all rights, powers, duties, functions, responsibilities, or authorities at the passing of this Act vested in or imposed on the Attorney-General, Solicitor-General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works, and Minister of Agriculture and Receiver-General, by any Law, Statute, or Ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or imposed on any Officer to be appointed by the Lieutenant-Governor for the discharge of the same or any of them; and the Commissioner of Agriculture and Public Works shall perform the duties and functions of the office of Minister of Agriculture at the passing of this Act imposed by the law of the Province of Canada, as well as those of the Commissioner of Public Works.

136. Until altered by the Lieutenant-Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same design as those used in the Provinces of Upper Canada and Lower Canada respectively before their Union as the Province of Canada.

137. The words “and from thence to the end of the then next ensuing Session of the Legislature,” or words to the same effect, used in any temporary Act of the Province of Canada not expired before the Union, shall be construed to extend and apply to the next Session of the Parliament of Canada, if the subject-matter of the Act is within the powers of the same, as defined by this Act, or to the next Sessions of the Legislatures of Ontario and Quebec respectively, if the subject-matter of the Act is within the powers of the same as defined by this Act.

138. From and after the Union the use of the words “Upper Canada” instead of “Ontario,” or “Lower Canada” instead of “Quebec,” in any Deed, Writ, Process, Pleading, Document, Matter or Thing, shall not invalidate the same.

139. Any Proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several matters and things therein proclaimed shall be and continue of like force and effect as if the Union had not been made.

140. Any proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada, or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant-Governor of Ontario or of Quebec, as its subject-matter requires, under the Great Seal thereof; and from and after the issue of such Proclamation the same and the several matters and things therein proclaimed shall be and continue of the like force and effect in Ontario or Quebec as if the Union had not been made.

141. The Penitentiary of the Province of Canada shall, until the Parliament of Canada otherwise provides, be and continue the Penitentiary of Ontario and of Quebec.

142. The division and adjustment of the Debts, Credits, Liabilities, Properties, and Assets of Upper Canada and Lower Canada shall be referred to the arbitrament of three arbitrators, one

chosen by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada; and the selection of the arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec.

143. The Governor-General in Council may from time to time order that such and so many of the records, books, and documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the property of that Province; and any copy thereof or extract therefrom, duly certified by the Officer having charge of the original thereof, shall be admitted as evidence.

144. The Lieutenant-Governor of Quebec may from time to time, by Proclamation under the Great Seal of the Province, to take effect from a day to be appointed therein, constitute Townships in those parts of the Province of Quebec in which Townships are not then already constituted, and fix the metes and bounds thereof.

#### X. INTERCOLONIAL RAILWAY

145. Inasmuch as the Provinces of Canada, Nova Scotia and New Brunswick have joined in a declaration that the construction of the Intercolonial Railway is essential to the consolidation of the Union of British North America, and to the assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that provision should be made for its immediate construction by the Government of Canada; Therefore, in order to give effect to that agreement, it shall be the duty of the Government and Parliament of Canada to provide for the commencement, within Six Months after the Union, of a Railway, connecting the River St. Lawrence with the City of Halifax in Nova Scotia, and for the construction thereof without intermission, and the completion thereof with all practicable speed.

#### XI. ADMISSION OF OTHER COLONIES

146. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of Parliament of Canada to admit Rupert's Land and the North-West Territory, or either of them, into the Union, on such terms and conditions in each case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

147. In case of the admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a representation in the Senate of Canada of Four Members, and (notwithstanding anything in this Act) in case of the admission of Newfoundland the normal number of Senators shall be Seventy-six, and their maximum number shall be Eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the Third of the Three Divisions into which Canada is, in relation to the constitution of the Senate, divided by this Act, and accordingly, after the admission of Prince Edward Island, whether Newfoundland is admitted or not, the representation of Nova Scotia and New Brunswick in the Senate shall, as vacancies occur, be reduced from Twelve to Ten Members respectively, and the representation of each of those Provinces shall not be increased at any time beyond Ten, except under the provisions of this Act for the appointment of Three or Six additional Senators under the direction of the Queen.



## APPENDIX

## SCHEDULES

## THE FIRST SCHEDULE

*Electoral Districts of Ontario*

(Omitted)

## THE SECOND SCHEDULE

*Electoral Districts of Quebec Specially Fixed*

(Omitted)

## THE THIRD SCHEDULE

*Provincial Public Works and Property to be the Property of Canada*

1. Canals, with lands and water power connected therewith.
2. Public Harbours.
3. Lighthouses and Piers, and Sable Island.
4. Steamboats, Dredges, and Public Vessels.
5. Rivers and Lake Improvements.
6. Railways and Railway Stocks, Mortgages, and other Debts due by Railway Companies.
7. Military Roads.
8. Custom Houses, Post Offices, and all other Public Buildings, except such as the Government of Canada appropriate for the use of the Provincial Legislatures and Governments.
9. Property transferred by the Imperial Government, and known as Ordnance Property.
10. Armouries, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for general Public Purposes.

## THE FOURTH SCHEDULE

*Assets to be the Property of Ontario and Quebec conjointly*

(Omitted)

## THE FIFTH SCHEDULE

*Oath of Allegiance*

I, A. B., do swear, that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria.

Note.—The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time, with proper terms of reference thereto.

## DECLARATION OF QUALIFICATION

I, A. B., do declare and testify, that I am by law duly qualified to be appointed a Member of the Senate of Canada (*or as the case may be*), and that I am legally or equitably seised as of Freehold for my own use and benefit of Lands or Tenements held in free and common Socage [*or seised or possessed for my own use and benefit of Lands or Tenements held in Franc-alieu or in Routure (as the case may be)*] in the Province of Nova Scotia [*or as the case may be*] of the value of Four Thousand Dollars over and above all Rents, Dues, Debts, Mortgages, Charges, and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a title to or become possessed of the said Lands and Tenements, or any part thereof, for the purpose of enabling me to become a member of the Senate of Canada [*or as the case may be*], and that my Real and Personal Property are together worth Four Thousand Dollars over and above my Debts and Liabilities.

## VIII

## AT THE COURT AT WINDSOR

*The 16th Day of May, 1871*

Present:

The Queen's Most Excellent Majesty,  
His Royal Highness Prince Arthur,Lord Privy Seal,  
Earl Cowper,  
Earl of Kimberley,Lord Chamberlain,  
Mr. Secretary Cardwell,  
Mr. Ayrton.

WHEREAS by the "British North America Act, 1867," provision was made for the Union of the Provinces of Canada, Nova Scotia, and New Brunswick into the Dominion of Canada, and it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and of the Legislature of the Colony of British Columbia, to admit that Colony into the said Union on such terms and conditions as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act. And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

And whereas by Addresses from the Houses of the Parliament of Canada and from the Legislative Council of British Columbia respectively, of which Addresses copies are contained in the Schedule to this Order annexed, Her Majesty was prayed, by and with the advice of Her Most Honourable Privy Council, under the one hundred and forty-sixth section of the hereinbefore recited Act, to admit British Columbia into the Dominion of Canada, on the terms and conditions set forth in the said Addresses.

And whereas Her Majesty has thought fit to approve of the said terms and conditions. It is hereby ordered and declared by Her Majesty, by and with the advice of Her Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Act of Parliament, that from and after the twentieth day of July, one thousand eight hundred and seventy-one, the said Colony of British Columbia shall be admitted into and become part of the Dominion of Canada, upon the terms and conditions set forth in the hereinbefore recited Addresses. And, in accordance with the terms of the said Addresses relating to the Electoral Districts in British Columbia for which the first election of members to serve in the House of Commons of the said Dominion shall take place, it is hereby further ordered and declared that such Electoral Districts shall be as follows:

"New Westminster District" and the "Coast District," as defined in a public notice issued from the Lands and Works Office in the said Colony on the fifteenth day of December, one thousand eight hundred and sixty-nine, by the desire of the Governor, and purporting to be in accordance with the provisions of the thirty-ninth clause of the "Mineral Ordinance, 1869," shall constitute one district to be designated "New Westminster District," and return one member.

"Cariboo District" and "Lillooet," as specified in the said public notice, shall constitute one district, to be designated "Cariboo District," and return one member.

"Yale District" and "Kootenay District," as specified in the said public notice, shall constitute one district, to be designated "Yale District," and return one member.

Those portions of Vancouver Island known as "Victoria District," "Esquimalt District," and "Metchosin District," as defined in the official maps of those districts which are in the Land Office, Victoria, and are designated respectively "Victoria District Official Map, 1858," "Esquimalt District Map, 1858," and "Metchosin District Official Map, A. D. 1858," shall constitute one district, to be designated "Victoria District," and return two members.

All the remainder of Vancouver Island, and all such islands adjacent thereto as were formerly dependencies of the late Colony of Vancouver Island, shall constitute one district, to be designated "Vancouver Island District," and return one member.

And the Right Honourable Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) ARTHUR HELPS.

## APPENDIX

## IX

PORTIONS OF THE TREATY OF WASHINGTON, MAY 8, 1871, RELATING TO  
SAN JUAN BOUNDARY DISPUTE

## ARTICLE XXXIV

Whereas it was stipulated by Article I, of the Treaty concluded at Washington on the 15th of June, 1846, between the United States and Her Britannic Majesty, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, from the point on the forty-ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along the said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca' Straits, to the Pacific Ocean;" and whereas the Commissioners appointed by the two High Contracting Parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should, under the terms of the Treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of the United States and of the Government of Her Britannic Majesty shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above-mentioned article of the said Treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the Treaty of June 15, 1846.

## ARTICLE XXXV

The award of His Majesty the Emperor of Germany shall be considered as absolutely final and conclusive; and full effect shall be given to such award without any objection, evasion, or delay whatsoever. Such decision shall be given in writing and dated; it shall be in whatever form His Majesty may choose to adopt; it shall be delivered to the Representatives or other public Agents of the United States and of Great Britain, respectively, who may be actually at Berlin, and shall be considered as operative from the day of the date of the delivery thereof.

## ARTICLE XXXVI

The written or printed case of each of the two Parties, accompanied by the evidence offered in support of the same, shall be laid before His Majesty the Emperor of Germany within six months from the date of the exchange of the ratifications of this Treaty, and a copy of such case and evidence shall be communicated by each Party to the other, through their respective Representatives at Berlin.

The High Contracting Parties may include in the evidence to be considered by the Arbitrator such documents, official correspondence, and other official or public statements bearing on the subject of the reference as they may consider necessary to the support of their respective cases.

After the written or printed case shall have been communicated by each Party to the other, each Party shall have the power of drawing up and laying before the Arbitrator a second and definitive statement if it think fit to do so, in reply to the case of the other party so communicated, which definitive statement shall be so laid before the Arbitrator, and also be mutually communicated in the same manner as aforesaid, by each Party to the other, within six months from the date of laying the first statement of the case before the Arbitrator.

## ARTICLE XXXVII

If, in the case submitted to the Arbitrator, either Party shall specify or allude to any report or document in its own exclusive possession without annexing a copy, such Party shall be bound, if the other Party thinks proper to apply for it, to furnish that Party with a copy thereof, and either Party may call upon the other through the Arbitrator, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbi-

trator may require. And if the Arbitrator should desire further elucidation or evidence with regard to any point contained in the statement laid before him, he shall be at liberty to require it from either Party, and he shall be at liberty to hear one counsel or agent for each Party, in relation to any matter, and at such time, and in such manner, as he may think fit.

## ARTICLE XXXVIII

The Representatives or other public Agents of the United States and of Great Britain at Berlin, respectively, shall be considered as the Agents of their respective Governments to conduct their cases before the Arbitrator, who shall be requested to address all his communications, and give all his notices, to such Representatives or other public Agents, who shall represent their respective Governments generally in all matters connected with the arbitration.

## ARTICLE XXXIX

It shall be competent to the Arbitrator to proceed in the said arbitration, and all matters relating thereto, as and when he shall see fit, either in person, or by a person or persons named by him for that purpose, either in the presence or absence of either or both Agents, and either orally or by written discussion or otherwise.

## ARTICLE XL

The Arbitrator may, if he think fit, appoint a secretary or clerk for the purposes of the proposed arbitration, at such rate of remuneration as he shall think proper. This, and all other expenses of and connected with the said arbitration, shall be provided for as hereinafter stipulated.

## ARTICLE XLI

The Arbitrator shall be requested to deliver, together with his award, an account of all the costs and expenses which he may have been put to in relation to this matter, which shall forthwith be repaid by the two Governments in equal moieties.

## ARTICLE XLII

The Arbitrator shall be requested to give his award in writing as early as convenient after the whole case on each side shall have been laid before him, and to deliver one copy thereof to each of the said agents.

## X

AN ACT TO MAKE FURTHER PROVISION WITH RESPECT TO THE SUMS TO BE  
PAID BY CANADA TO THE SEVERAL PROVINCES OF THE DOMINION,  
9TH AUGUST, 1907.

Whereas an address has been presented to His Majesty by the Senate and Commons of Canada in the terms set forth in the schedule to this Act:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) The following grants shall be made yearly by Canada to every province, which at the commencement of this Act is a province of the Dominion, for its local purposes and the support of its Government and Legislature:

(a) A fixed grant—

where the population of the province is under one hundred and fifty thousand, of one hundred thousand dollars;

where the population of the province is one hundred and fifty thousand, but does not exceed two hundred thousand, of one hundred and fifty thousand dollars;

where the population of the province is two hundred thousand, but does not exceed four hundred thousand, of one hundred and eighty thousand dollars;

where the population of the province is four hundred thousand, but does not exceed



- eight hundred thousand, of one hundred and ninety thousand dollars;  
 where the population of the province is eight hundred thousand, but does not exceed one million five hundred thousand, of two hundred and twenty thousand dollars;  
 where the population of the province exceeds one million five hundred thousand, of two hundred and forty thousand dollars; and
- (b) Subject to the special provisions of this Act as to the provinces of British Columbia and Prince Edward Island, a grant at the rate of eighty cents per head of the population of the province up to the number of two million five hundred thousand, and at the rate of sixty cents per head of so much of the population as exceeds that number.
- (2) An additional grant of one hundred thousand dollars shall be made yearly to the province of British Columbia for a period of ten years from the commencement of this Act.
- (3) The population of a province shall be ascertained from time to time in the case of the provinces of Manitoba, Saskatchewan, and Alberta respectively by the last quinquennial census of statutory estimate of population made under the Acts establishing those provinces or any other Act of the Parliament of Canada making provision for the purpose, and in the case of any other province by the last decennial census for the time being.
- (4) The grants payable under this Act shall be paid half-yearly in advance to each province.
- (5) The grants payable under this Act shall be substituted for the grants or subsidies (in this Act referred to as existing grants) payable for the like purposes at the commencement of this Act to the several provinces of the Dominion under the provisions of section one hundred and eighteen of the British North America Act, 1867, or of any Order in Council establishing a province, or of any Act of the Parliament of Canada containing directions for the payment of any such grant or subsidy, and those provisions shall cease to have effect.
- (6) The Government of Canada shall have the same power of deducting sums charged against a province on account of the interest on public debt in the case of the grant payable under this Act to the province as they have in the case of the existing grant.
- (7) Nothing in this Act shall affect the obligation of the Government of Canada to pay to any province any grant which is payable to that province, other than the existing grant for which the grant under this Act is substituted.
- (8) In the case of provinces of British Columbia and Prince Edward Island, the amount paid on account of the grant payable per head of the population to the provinces under this Act shall not at any time be less than the amount of the corresponding grant payable at the commencement of this Act; and if it is found on any decennial census that the population of the province has decreased since the last decennial census, the amount paid on account of the grant shall not be decreased below the amount then payable, notwithstanding the decrease of the population.
2. This Act may be cited as the British North America Act, 1907, and shall take effect as from the first day of July nineteen hundred and seven.

## SCHEDULE

## TO THE KING'S MOST EXCELLENT MAJESTY

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal subjects, the Senate and Commons of Canada, in Parliament assembled, humbly approach Your Majesty for the purpose of representing that it is expedient to amend the scale of payments authorised under section 118 of the Acts of the Parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, or by or under any terms or conditions upon which any other provinces were admitted to the Union, to be made by Canada to the several provinces of the Dominion for the support of their Governments and Legislatures by providing that—

A. Instead of the amounts now payable, the sums hereafter payable yearly by Canada to the several provinces for the support of their Governments and Legislatures be according to population, and as follows:—

- (a) Where the population of the province is under 150,000, \$100,000;  
 (b) Where the population of the province is 150,000, but does not exceed 200,000, \$150,000;

- (c) Where the population of the province is 200,000, but does not exceed 400,000, \$180,000;
- (d) Where the population of the province is 400,000, but does not exceed 800,000, \$190,000;
- (e) Where the population of the province is 800,000, but does not exceed 1,500,000, \$220,000;
- (f) Where the population of the province exceeds 1,500,000, \$240,000.

B. Instead of an annual grant per head of population now allowed, the annual payment hereafter be at the same rate of eighty cents per head, but on the population of each province, as ascertained from time to time by the last decennial census, or in the case of the provinces of Manitoba, Saskatchewan, and Alberta respectively, by the last quinquennial census or statutory estimate, until such population exceeds 2,500,000, and at the rate of sixty cents per head for so much of said population as may exceed 2,500,000.

C. An additional allowance to the extent of one hundred thousand dollars annually be paid for ten years to the province of British Columbia.

D. Nothing herein contained shall in any way supersede or affect the terms special to any particular province upon which such province became part of the Dominion of Canada, or the right of any province to the payment of any special grant heretofore made by the Parliament of Canada to any province for any special purpose in such grant expressed.

We pray that Your Majesty may be graciously pleased to cause a measure to be laid before the Imperial Parliament at its present Session repealing the provisions of section 118 of the British North America Act, 1867, aforesaid, and substituting therefor the scale of payments above set forth, which shall be a final and unalterable settlement of the amounts to be paid yearly to the several provinces of the Dominion for their local purposes, and the support of their Governments and Legislatures.

Such grants shall be paid half-yearly in advance to each province, but the Government of Canada shall deduct from such grants as against any province all sums chargeable as interest on the public debt of that province in excess of the several amounts stipulated in the said Act.

All of which we humbly pray Your Majesty to take into your favourable and gracious consideration.

(Signed) R. DANDURAND,  
Speaker of the Senate.

(Signed) R. F. SUTHERLAND,  
Speaker of the House of Commons.

Senate and House of Commons,  
Ottawa, Canada,  
26th April, 1907.



# INDEX

## A

Aberdeen, Lord, Visit of, 494.  
 Agricultural sections on the mainland, sketches of the beginnings of, Chapter XXXIV, 589.  
 Agriculture, First attempts at, 590.  
 Alaska boundary dispute, Chapter XXXI, 551.  
   Boundary line drawn, 1825, 551; convention to decide dispute, 559; questions to be decided, 559-60; members selected, 561; decision, 563-4; survey and boundary line marked, 565.  
 Alexander, R. H., 139.  
 Alexandria, 101.  
 Alien Exclusion Act, 505.  
 Alway, John, 90.  
 Anderson, A. C., 88.  
 Anderson, James, 531.  
 Anglican church, 616-635.  
 Annexation movement, 278-280.  
 Anti-Mongolian legislation, 508.  
 Antler Creek, Discovery of, 74, 76, 80.  
 Archer, Samuel, 109.  
 Argyle, Thos., 109.  
 Armstrong, Hon. W. J., 329, 334, 335, 409, 411.  
 Atkins, Edward, 188.  
 Atlin, 499-501.

## B

Ball, H. M., 85, 170, 190, 667, 669.  
 Ballou, W. J. ("Billy"), 102, 127.  
 Banks Bill, 278.  
 Baptists and Baptist College, 650-652.  
 Barker, Wm. ("Billy"), 82.  
 Barkerville, 82, 105, 117.  
 Barnard, F. J., 105, 106, 128-130, 247.  
 Baynes, Rear Admiral, 53.  
 Beam, Adam, 73.  
 Beaver, 9, 53, 447.  
 Beaven, Hon. Robt., 334, 373, 408.  
 Beaven Government, 411; end of, 504.  
 Beedy, J. C., 106.

Begbie, Matthew Baillie, 51; commission as judge, 53, 91, 161, 182; sketch, 659, 663, 681.  
 Bench and Bar, Chapter XXXVII, 653.  
   Commencement of courts in B. C., 654.  
   First supreme court west of Rockies, 654-55.  
   Early lawyers, 657 to 661; Judge Begbie, 659, 660, 663, 681; David Cameron, chief justice, 655, 661, 671; an unusual episode, 662; Mr. Robson, 663, 664; trial of E. E. Langford, 666; stipendiary magistrates, 667-8; "Judge" Cox, 669; Judge O'Reilly, 670; the Lascelles-Allen episode, 670-71; court of appeal, 672-3; anecdotes, 673; bar of B. C. in 1867, 674; lynching in B. C., 676; county court bench in 1867, 676; important trials, 678 to 679; practicing lawyers in B. C., 1883, 681; death of Chief Justice Begbie and an appreciation, 681; the judiciary, 682-684.  
   "Better Terms," 538, 542.  
 Big Bend, 234 to 243, 257.  
 Birch, Hon. A. N., 193-4.  
 Blakiston, Captain Thomas, 346.  
 Blanshard, Governor, 1, 44, 45, 649.  
 Blue Bell mine, 468, 470, 472.  
 Bonson, L. F., 110.  
 Booth, J. P., 513.  
 Borden, Hon. R. L., 544.  
 Boston bar, 95, 97, 99.  
 Boundary along 49th parallel, 306-308.  
 Bowron, John, 139.  
 Brew, Chartres, 51, 64, 184, 669.  
 Bridge, suspension, over Fraser river, 103, 105; Spence's, 104; tolls, 104, 105; Fraser river, 528.  
 Britannia mine, 483.  
 British Columbia Act, 294.  
 British Columbia:  
   Name selected, 49; boundaries, 49, 50; Natal day of, 53, 54; boundaries, in 1863, 85; officials of, in 1863, 159; judicial and magisterial officers of 1863, 160; separate governor for, 167; division of colony into



- districts, 168; first legislative council, 169-170.  
 British North America Act, 543, 544.  
 Burdett-Coutts, Baroness, 113, 628.  
 Butcher claim, 111, 118.  
 Bute Inlet massacre and Chilcotin war, 1864-1866, 177.  
 Butler, Robert, 109.
- C
- Cable, The Pacific, 519-520.  
 Camels, 96, 98.  
 Cameron, David, 53, 655, 656, 660, 661.  
 Cameron, John A. ("Cariboo"), 83, 110, 113, 120.  
 Cameron, Hon. Malcolm, 165.  
 Camerontown, 117, 121.  
 Cann, Sergt. Maj. George, 95.  
 Canyon creek, 257.  
 Capital, First selection of, 65, 66; naming of, 67.  
 Carey, Edward, 83.  
 Cariboo, The advance of, Chapter V, 69.  
   Gold found, 71.  
   Discovery of, 75.  
   Deep diggings of, 80.  
   Roads and trails to, Chapter VI, 87.  
   How the road was built, 98.  
   The golden years, 1863-5, 110.  
   At its best, 115.  
   Yield of Cariboo, 119.  
 Carnarvon, Earl of, 362, 364, 365, 369, 385, 388.  
   Club, 386, 387.  
   Terms 366, 367, 370, 375, 386.  
 Carroll, Dr. R. W. W., 255, 293, 333.  
 Cassiar, 268, 270; output in 1875, 271; decline of, 272.  
 Cathedral of the Holy Rosary, 614, 615.  
   Christ church, 629.  
   Holy Trinity (New Westminster), 634.  
 Centre Star mine, 474.  
 Cheadle, Dr. W. B., 110, 139.  
 Chilcotin war, The, 177.  
 Chilliwack, early settlers, 592-594.  
   First telegraph office, 594.  
   Dyke, 595.  
   Incorporated, 596.  
 Chinese, 74, 78, 101, 105, 258; voted at elections in B. C., 169, 193, 369; legislation against, 508.  
 Chinese and Japanese Immigration, Chapter XXXII, 567.  
   Address to Governor Kennedy, 568.  
   In Cariboo, 569.  
   First steps taken to restrict immigration, 570.  
   Anti-Chinese associations, 571.  
   Tax upon, 574, 576.  
   Riots, 1907, 577-578.  
 Chisholm, Donald, 36, 164.  
 Churches, Early, 628.  
 Clarkson, William, 164.  
 Claudet, F. G., 141, 142.  
 Clinton, 101-107.  
 Coal in Kootenay, 579; opening of mines and growth of industry, 581; in Nicola Valley, 582; report of Dr. G. M. Dawson, 583.  
 Columbia river, 10, 11, 12.  
 Columbia & Kootenay Railway, 441, 485.  
 Columbia & Western Railway, 486, 522-23.  
 Columbian Methodist College, 642.  
 Colville, Fort, 10, 11.  
 Confederation, Chapter XVII, 277.  
   League, 282.  
 Congregationalist denomination, 642.  
 Connaught, Prince Arthur of, Visit of, 534.  
 Constitution Act, 327, 334.  
 Cooper, James, 44.  
 Cornwall, Hon. Clement F., 401-402.  
 Cotton, Hon. F. L. Carter-, 504, etc.  
 Cottonwood, 71.  
 Courts, separate, 245.  
 Cox, John, 109.  
 Cridge, Bishop, 616, 617, 623, 627, 637, 648, 649.  
 Crosby, Rev. Thomas, 640, 641.  
 Crow's Nest Pass, The, and Nicola coal fields—Canning (salmon) industry, Chapter XXXIII, 579.  
 Cust, W., 83.
- D
- Davie, Hon. A. E. B., 254, 449.  
   Government, 445.  
 Davie, Hon. Theodore, 254, 682.  
   Davie (Theodore) Government, 489, Chapter XXIX, 494.  
 Decimal currency, introduced into B. C., 191.  
 De Cosmos, Amor, 144, 217, 248, 254, 256, 277, 280, 328, 334, 453.  
 Deighton, R., 164.  
 Demers, Father, 606, 607, 610; death of, 611.  
 Derby, The rise and fall of, 59, 61.  
 De Smet, Father, 468, 608, 609, 610.  
 Dewdney, Edgar, 68, 94, 233, 254, 469, 489, 511.  
 Dewdney Trail, 233, 467, 472.  
 Diller, Mr., 136.  
 Douglas and the miners—The Indian troubles, 1858—early mining, Chapter II, 25.  
 Douglas, David, 468.  
 Douglas, Governor, 2, 3, 5, 13, 25, 26, 28, 30, 31, 32, 36, 37, 52, 53, 54, 55, 68, 95,

147, 148, 161, 162, 163, 165, 172, 173, 174;  
appreciation as governor, 174, 176; death,  
388.

Douglas, Port, 88.

Draper, Chief Justice, 43-44.

Duel in Victoria, 658.

Dufferin's, Lord, Visit to B. C., 379-380; speech  
at Victoria, 382.

Duncan, William, 617 to 627.

Dunsmuir, James, 510, 521, 547; ministry, 510.

Dunsmuir, Robert, 410, 447; death of, 448;  
sketch, 448-449.

## E

Eagle Pass wagon road, 442.

Edensaw, Chief, 4, 5, 624.

Edgar, J. D., 357, 358.

Edgar Terms, 357, 358, 359, 365, 366.

Eight hour law, 505.

Ellice, Edward, 44, 45, 46.

Ellis, Thomas, 599.

Elliott, Hon. A. C., 378, 386, 387, 393, 669.

Elliott Government, the Walkem Government,  
the Secession Resolution, 1878, and the  
Canadian Pacific railway construction,  
Chapter XXII, 385.

Elwyn, Thomas, 135, 136.

Emigration society, British Columbia, 113.

Emory, 418.

Engineers, The Royal, Chapter IV, 55; Com-  
position of force, 58; Disbanding of the  
Royal, Chapter VII, 109; Work performed  
by, 109-194.

Esquimalt, 22, 114, 115; harbour, 155.

Esquimalt & Nanaimo railway, 398, 399.

Exploring expedition, British North American,  
344.

Express, The, Chapter VIII, 127.

## F

Fannin, John, 138.

"Father Pat," 632-634.

Field, Cyrus W., 195.

Finances during Douglas's management, 143.

Finlayson, Roderick, 132, 150.

Fleming, Sandford, 349, 397, 519.

Fortune, A. L., 138.

Fountain, The, 41.

Franklin, Lady, 80.

Fraser, Donald, 37.

Fraser river, 1, 10, 14, 19, 21, 26, 27, 28,  
31, 33, 37, 39, 71; bridge over, 99; freshet,  
1894, 493; delta of, 602.

Fraser, Simon, 87.

Fushimi Prince, Visit of, 535.

Vol. II—48

## G

Garden, First, on the mainland, 589.

Gladstone, Mr., 43, 45.

Gold, First news of, Queen Charlotte islands  
excitement, Chapter I, 1, 6; discovery of  
gold on the mainland, 9, 10; great rush  
for, 16 to 19; dry diggings, 70; gold in  
Cariboo, 1863-5, 110; summary of claims  
on Williams creek, 110; escorts of 1861  
and 1863, 134; export duty, 191.

Graham, Captain, 36.

Granby mine, 479, 480.

Granite creek, 443.

Grant, Capt. J. M., 53, 56, 64, 93, 96, 100.

Granville, 431.

Graving dock, The; last days of Walkem Gov-  
ernment—Beaven Government—first years  
of Smithe Government, Chapter XXIII,  
401; graving dock, dimensions, 403; con-  
tract entered into, 404; report of committee,  
404-407; taken over by Canada, 414.

Greer, Samuel, claim of, 433.

Grey, Earl, Visit of, 535.

Grouse Creek war, 259-262.

## H

Hall, Matthew, 110.

Hamley, Wymond O., 51, 170, 249.

Harney, General, 310-312.

Harris, Thomas, 153.

Haynes, 109.

Hector, Dr. James, 344.

Helmcken, Dr. J. S., 248, 253, 255, 283, 293,  
294, 327, 453.

Henderson, Alexander, 506.

Hicks, Richard, 33.

Hill's Bar, 32, 33, 36, 41, 61, 63, 64.

Homer, J. A. R., 164.

Hood, Wm., 103.

Hope, 12, 15, 20, 21, 23, 28, 31, 32, 39, 72,  
87, 98.

Houston, James, 10.

Humphreys, Hon. Thomas Basil, 256, 370, 378,  
386, 447.

Hudson's Bay Co., 1, 3, 25, 28, 31, 34, 43,  
46, 50, 54, 55, 127, 131, 149, 287, 301,  
302, 552.

Hurdy-Gurdy girls, 112.

Hydraulic mining in Cariboo, 482.

## I

Immigration, Female, 113, 115.

Indian troubles, 1858, 34; Chilcotin, 178 to 188.

Ireland, Moses Cross, 121, 122, 265.

Irving, Mr. Justice, 499.  
 Irwin, Rev. Henry, 632-634.  
 Island Railway, 355, 357, 358, 361, 367, 370,  
 372, 374, 375, 394.

## J

Jackman, Philip, 110.  
 Jamieson, Rev. Robert, 645.  
 Judge Begbie, see Begbie.  
 Judges, Supreme and County Court, see Bench  
 and Bar.

## K

Kaien Island, 531.  
 Kamloops, 16, 87, 596-602.  
 Keithley, "Doc", 74, 75.  
 Keithley Creek, Discovery of, 74-80.  
 Kennedy, Chief Trader, 3.  
 Kennedy, Governor, selected, 167; public offices  
 held by, 167.  
 Kennedy, Governor, and his troubles, Chapter  
 XII, 203, 204, 205, 206, 207; his removal  
 urged, 209, 210, 211.  
 King, William, Trial of, 37, 38.  
 Klondike, 498.  
 Kootenay country, 74.  
 Kootenay and Big Bend excitements, Chapter  
 XIV, 231 to 244.  
 Kootenay river, 442.  
 Kootenay mines—Nelson—Slocan—Granby—  
 hydraulic mining in Cariboo—the railway  
 development in Kootenay, Chapter XXVIII,  
 467.  
 Blue Bell mine, 468 to 470; Silver King, 471;  
 Le Roi, 473; Centre Star, 474; War Eagle,  
 473, 474.

## L

Labouchère, Mr., 43.  
 Ladner, W. H., 36, 236, 237, 445.  
 La Force, Vital, 264, 268.  
 Lansdowne, Marquis of, 424.  
 Lands and works office, Division of, 544.  
 Langley, 32, 39, 53, 54.  
 Larsen, Peter, 531.  
 Laying the foundations, Chapter III, 43.  
 Legislation, A sketch of the, 1864 to 1866, 189.  
 Legislative council and separate governors,  
 Chapter X, 161.  
 Second council, 190.  
 Legislative council and legislation, 1866 to 1870,  
 Chapter XV, 245.  
 Legislative council, last, of British Columbia,  
 Chapter XIX, 327.

Assembly, First, after the confederation, 329-  
 334.  
 Legislature, second, 373.  
 Third, 393.  
 Fourth, 409; dissolved, 444.  
 Fifth, 445; dissolved, 451.  
 Sixth, 452; clash between legislature and  
 newspapers, 454, 455.  
 Seventh, 493.  
 Eighth, 502.  
 Ninth, 509.  
 Tenth, 527.  
 Eleventh, 546.  
 Le Roi mine, 473, 474.  
 Lewis, Thomas B., 101.  
 Lightning creek, 77, 80, 111, 119.  
 Lillooet, 32, 33, 70, 74, 88, 89, 95, 101,  
 102, 105.  
 Loan bill, last, 528, 529.  
 Lode mining returns, 1887-1910, 487.  
 Lorne, Marquis of, 409-411.  
 Lotbinière, Sir Henri Joly de, 510, 532, 533.  
 Lowhee creek, 77, 79, 111, 119.  
 Luard, Capt. H. R., 57.  
 Lulu island, 602.  
 Lynching, 675, 676.  
 Lytton, Sir E. Bulwer, 26, 47, 48, 50, 52, 68,  
 113, 161.  
 Lytton, 33, 35, 36, 99.

## M

Macdonald, Alexander D., 67, 153, 154.  
 Macdonald, Sir John A., 348, 355, 370, 422.  
 Macdonald, W. J., 333.  
 Macfie, Rev. Mr., 115.  
 Major, Charles G., 131.  
 Mackenzie, Hon. Wm., 355, 357, 371.  
 Mara, J. A., 139.  
 Maria island, 32.  
 Martin, Hon. Joseph, 503, 505, 506, 507, 508.  
 Martin ministry, 508-509.  
 Martinez, Don Estevan José, 605.  
 Matsqui Prairie, 594.  
 Mayne, Lieutenant, 92.  
 McBride, Sir Richard, 503, 513.  
 Ministry, 526; finances upon entering upon  
 ministry, 526; members elected, 527;  
 finances, second year, 530; elections, 1907,  
 537; 1909, 546.  
 McClure, Leonard, 165, 208.  
 McCreight, J. F., 331-332; laws placed by him  
 on statute book of 1872, 332.  
 McDonald, Angus, 10.  
 McGowan, Ned, War, 57, 61-65.  
 McInnes, Thomas R., 497, 507.  
 McKay, Mrs. James, 534.

McKay, Joseph W., 132.  
 McLaughlin, David, 90.  
 McLean, Chief Trader, 9.  
 McLean, M. A., first mayor of Vancouver, 435.  
 McLennan, R., 348, 349.  
 McMicking, R. B., 139.  
 McMicking, Thomas, 139.  
 McNaughton, Archibald, 139.  
 McNeill, Chief Trader, 1.  
 McRoberts, Hugh, 164.  
 McTavish, Dugald, 109.  
 Methodists, 637-642.  
 Milton, Viscount, 110, 139.  
 Mining early, 25.  
 Mining generally, from 1866, including Omineca and Cassiar, Chapter XVI, 257.  
 Miners' meetings, 33.  
 Mint, The, 140.  
 Missions and missionaries, Chapter XXXV, 605;  
     First Christian service, 605-606; origin of name, *Dalles des Morts*, 606; Father Demers, 606-607; first place of worship on the mainland, 607; Father De Smet, 608-9; murder of Bishop Seghers, 611-12; Bishop Durieu, 612-14; early churches, 613-614; passion play, 615; state church proposed, 617; Wm. Duncan, 617-627; Capt. Prevost, 618; Metlakahtla, 620-627; on Queen Charlotte islands, 624; various denominations, 627-652.  
 Mission Branch Railway built, 453.  
 Mitchell, Harbour, 2, 3.  
 Moberly, Walter, C. E., 101, 190, 193, 347, 348.  
 Moody, Col. Richard Clement, 56, 109, 142, 161.  
 Moore, Capt. Wm., 269.  
 Moreland, Dud, 71, 663.  
 Moresby island, 2.  
 Mule teams and camels, 96.  
 Munro, Donald, 120.  
 Musgrave, Governor, 254, 287, 289, 328; died, 329.  
 Musselwhite, John, 110.

N

Nanaimo, 383, 446.  
 Nakusp & Slocan Railway, 485.  
 Ned McGowan war, The, 57, 61-65.  
 Nelson, 471.  
 New Caledonia, 15, 25, 48, 49.  
 Newcastle, Duke of, 167, 197, 204.  
 New Westminster, 65, 66, 68; naming of, 68; 105; first postmaster, 133; 135, 141, 163; fire, 498.  
 New Westminster Southern railway built, 449.  
 Nicomen river, 10.  
 Nind, Mr., 76, 669.

Nuggets, largest, (Cariboo), 118; (Cassiar), 272; (Atlin), 500.

O

Okanagan college, 601, 652.  
 Okanagan district, The, 16, 96, 596; first settlers, 596-7; Vernon incorporated, 598; En-derby, 598, 599.  
 Omineca, 264-269.  
 Oppenheimer, Charles, 101.  
 O'Reilly, Peter, 36, 170, 189, 670, 676.  
*Orpheus*, Wreck of steamer, 338.  
 Overland parties, The, 1862-3, 137.

P

Pacific Cable, The—Prior Government, The—the McBride Government—"Better Terms"—general events, 1902-1913, Chapter XXX, 519.  
*Pacific*, Wreck of steamer, 338.  
 Pakington, Sir John, 5, 43.  
 Palliser, Capt. John, 344.  
 Palmer, Joel, 16.  
 Palmer, Lieutenant, 103.  
 Parliament buildings, New, 491.  
 Parsons, Capt. R. M., 53, 56.  
 Passion play presented, 615-616.  
 Paterson, His Honour Thomas W., 547.  
     Mrs. Minnie, 533.  
 Peace river, Stickeen territories, and Shuswap, 83.  
 Peachland, 600.  
 Pelly, Sir J. H., 3.  
 Pensions, 333.  
 Penticton, 599-600.  
 Perrier, George, 33.  
 Pickett, Capt. G. E., 311 to 314.  
 Pike, Warburton, 501.  
 Pine creek, 499.  
 Politics and general events, 1871 to 1875, Chapter XIX, 327.  
 Politics and general events from 1883 to 1892, Chapter XXVI, 441.  
 Postage stamps, first colonial, 133.  
 Postal rates, 1862, 128; 1864, 133, 134; 1867, 134.  
 Postal service, Initiating, 132.  
 Pre-emption act, first, 591.  
 Premiers, conference of provincial, 539.  
     Return of Sir Richard McBride, 543.  
 Presbyterianism, 643 to 648.  
 Prevost, Capt. James C., 5, 29, 303-305, 313, 314.  
 Prince Rupert, 532, 549.



Prior government, 521-541.  
Public school ordinance, 254.

## Q

Queen Charlotte islands, 1, 4, 8, 13, 55.  
Quesnel country, 72.

## R

Railway; Canadian Pacific, and how it was built, Chapter XXIV, 417; first locomotive, 418; wages paid, 420; bridge near Cisco, 421; *Skuzzy*, 421; new syndicate, 422; subsidy, 423; Kicking Horse pass, 423-24; contractors between Savona's Ferry and Revelstoke, 425; first train from Montreal for the Pacific, 425 to 427; last spike driven, 426; total cost to Canada, 427; first regular passenger train, 427; first advertisement of through trains, 429; extension of the C. P. R. to Vancouver, Chapter XXV, 431; controversy in regard to claims of settlers, 432; extended to Vancouver and later to New Westminster, 434; branch of C. P. R. from Mission to Huntingdon, 453.  
British Columbia Electric, 436, 595.  
Esquimalt & Nanaimo, 371, 374, 398-410, 414.  
Grand Trunk Pacific, 547.  
Island, 371, 374, 398 to 410; land grants, 414.  
Nakusp & Slocan, 492.  
New Westminster Southern, 449.  
Shuswap & Okanagan, 446.  
Railway difficulty of the Carnarvon Terms, The, Chapter XX, 341.  
Railway matters from the Carnarvon Terms to Lord Dufferin's visit, Chapter XXI, 369.  
Railway policy, Government's, 1909, 545.  
Redistribution of electoral districts, 502.  
Redistribution bill, 489-506.  
Reformed Episcopal church, 648 to 650.  
Revenue, 1859, 144.  
1860, 145.  
1872-1875, 377.  
1884-1898, 496.  
1899-1903, 527.  
1904-1910, 530.  
Road building, 92.  
*Robert Lowe*, 115.  
Robertson, Mr. Justice, 679.  
Robinson, J. M., 596-600.  
Robson, Rev. Ebenezer, 642.  
Robson Government, 450.  
Robson, Hon. John, 164, 253, 293, 328; death of and sketch, 456.  
Rock Creek, 96.  
Rogers, Major A. B., 423, 424, 427.

Roman Catholic church, 605-616.  
Rose, John, 120.  
Rossland, 474.  
Rouse, Captain, 34.

## S

Salaries act, Crown, 253.  
Salmon canning, origin and early development, 584; first salmon cannery, 585; 1873 at New Westminster, 585; growth of industry, 586.  
Sanders, E. Howard, 72, 78.  
Sangster, Capt. James, 133.  
San Juan difficulty, The, Chapter XVIII, 299; settled, 324.  
Sapperton, 66.  
Scott, Hon. R. W., 504.  
Sealing industry and the fur seal arbitration, The, Chapter XXVII, 459 to 466.  
First attempt at, 460.  
Secession, resolution by Hon. Mr. Walkem, 395; carried, 396.  
Selwyn, Dr., C. M. G., 580, 581.  
Semlin, Hon. Mr., 506, 507.  
Government, 504.  
Seymour, Frederick, Governor of British Columbia, 167, 171, 172, 252, 254, 288.  
Shuswap & Okanagan railway, 446.  
Sillitoe, Bishop, 630, 633.  
Silver, first, found, 389.  
Similkameen, 72, 73, 95, 98.  
Slocan, 475.  
Smith, Donald A., 426, 427.  
Marcus, 349, 354, 427.  
Robert, 376.  
Robert T., 36, 37.  
Smithe, Hon. Wm., 412; death of, 445.  
Government, First days of, 411, 413; 441.  
Snyder, Captain, 35.  
Soda Creek, 130, 131.  
Spaulding, W. R., first postmaster in British Columbia, 133.  
Spence, Thomas, 100, 103, 104.  
Sproule, R. E., 467, 469.  
Spuzzum, 87, 89, 90, 91, 95, 102.  
Stanley, Lord, Gov. Gen., visited British Columbia, 450.  
Stevenson, Dr., 139.  
Stickeen territories, 84, 85, 166.  
Stout, Edward, 35, 82.  
Strike, First, in British Columbia, 388.  
British Columbia Southern railway, 522.  
Sumas, early settlers, 593.  
Summerland, 600.  
*Surprise*, 32.  
*Susan Sturgis, The*, 4.

I

Teague, Wm., 36.  
 Telegraph scheme, The Overland, 195 to 201.  
 Texada scandal, 336.  
 Thibert, Mr., 268, 269.  
 Thibert Creek, 269, 270, 271, 272.  
 Thompson, A., 138.  
 Thompson, J. Spencer, 164.  
 Thompson river, 1, 9, 10, 12, 15, 16, 19, 29, 35, 70.  
 Tingley, Stephen, 131, 382.  
 Toll ordinance, 95.  
 Tolls on Cariboo road, 104, 105, 146, 240, 332, 378.  
 Tolmie, James, 448.  
 Tolmie, Dr. W. F., 132, 380.  
 Toy, Peter, 267, 268.  
 Travailliot, O., 33.  
 Travel, difficulties of, 121.  
 Tree, Princess Louise's, 410.  
 Trimble, James, 380.  
 Trutch, Joseph W., 93, 100, 293, 329; sketch, 329, 363, 412.  
 Tunstall, G. C., 139.  
 Tupper, Sir Charles, 397, 399.  
 Turner, George, 110, 232.  
 Turner Government, 496.  
 Tyee mine, 483.  
 Tynemouth, 114.

U

Union of British Columbia and Vancouver Island, 1866, The, Chapter XIII, 215; causes leading to, 222 to 229; Governor Seymour reads Act of Union, 228, 229.  
 Union, Terms of, with Canada, 291 to 298, 363, 540.

V

*Valencia*, Wreck of, 533.

Vancouver Island, 3, 11-13-53.

A sketch of, from 1858 to 1864; list of officers of both colonies, Chapter IX, 149; early bankers of, 153, 154; early land laws of, 156; first and second legislative assembly of, 156; a unique election (1859), 156; sources of revenue, 157; arrangement between the Crown and Hudson's Bay Co. regarding land, 158; Members of legisla-

tive council, 1863, 158; members of house of assembly, 1863, 159; the officials of, in 1863, 159; judicial and magisterial officers of, in 1863, 160; legislative assembly, 1865, 220; Lord Dufferin in, 383.  
 Vancouver City, site of, 381, 431; incorporated, 435; first mayor, 435; fire, 1886, 435; wonderful growth, 436.

Vernon, 598.

Victoria, 4, 22, 28, 32, 54, 60, 133, 149; life in, in 1857, 151; rise in land values, 1858, 151 to 153; growth of, 152; a free port of entry, 155; 219; chosen capital of united colonies, 250.

Victoria, Queen, 49, 250.

W

Waddington, Alfred, 347.

Walkem, Hon. George A., 336, 358, 359, 365, 372, 373, 395.

Government, 1878-1882, 394, 401-404, etc.

Walker, Donald, 34.

War Eagle mine, 473, 474.

Wattie, James, 139.

Weaver, George, 74, 75.

Whannell, Capt. P. B., 38.

Whatcom, 29, 30.

White, Rev. Edward, 637, 639.

Whymper, Frederick, 114.

Wild Horse Creek, Gold at, 232, 234.

Williams Creek, 77, 78, 82, 119, 275.

Williams, F. W., 394.

Williams, Lightning and Lowhee Creeks, 76, 78, 82, 83, 118, 119; returns from principal mines, 119.

Willoughby, Richard, 77, 79.

Wood, Thomas A., 494.

Wootton, Mr., 133.

Work, Chief Trader, 1, 5, 9, 150.

Wright, Gustavus Blin, 101, 104, 442.

Y

Yale Ft., 19, 20, 30, 32, 33, 36, 37, 39, 61.  
 Yale, First public divine service, 63; mining at, 72, 87, 89; packing to, 96; Yale Cariboo Road, 99, 102, 107, 199, 382; newspapers established there, 418; Eagle pass wagon road, 442.

Yale Convention, 283 to 286.

Yellowhead Pass, 350, 548.





















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